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WORKS

OF

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UNIVERSITY OF OXFORD

EDITED BY

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FORMERLY FELLOW OF BALLIOL COLLEGE, OXFORD

VOL. II

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PREFACE OF THE EDITOR.

The present volume consists of selections from Professor Green's unpublished philosophical papers. It was his practice, both as college-tutor and as professor, to write out and keep full notes for most of his lectures. These were rewritten and amplified from time to time, and in some cases developed into tolerably finished compositions. In making selections from them it has been thought advisable not to include anything written before 1874, the date of the 'Introductions to Hume' (see vol. I.) The earlier drafts, though by no means devoid of interest, are for the most part superseded by those which are here printed; and where this is not the case, the more careful composition of the latter seems to show that they contained the writer's maturer views.

Though not intended for publication, the manuscripts were in general continuous and coherent, and with a few unimportant exceptions they have been printed without change of form or expression. In cases where the order or connexion of passages was not obvious, I have had to exercise my discretion. I am also respon-

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sible for the division into sections, the table of contents and the notes and insertions in brackets.

My best thanks are due to Professor E. Caird for advice in selecting the manuscripts for publication, to Professor A. C. Bradley and Mr. J. C. Wilson for help in arranging and preparing them for the press, to Mrs. Green for copying a great part of them, and to her and Miss Green for reading the proof-sheets.

OXFORD: *February*, 1886.

CONTENTS

OF

THE SECOND VOLUME.

LECTURES ON THE PHILOSOPHY OF KANT.

I. THE 'CRITIQUE OF PURE REASON.'

A. *Kant's problem, and the relation of the statement of it to the philosophies of Locke and Hume.*

PAGE

1. The three dominant ideas in Kant's speculation come to him through Locke and Hume 2
2. Difficulties arising from Locke's opposition between mathematical and physical truth 2
3. Hume solves them by resolving them both into 'impressions'. 4
4. False antithesis between 'object' and 'thought,' resulting in that between 'particular' (contingent) and 'universal,' (necessary) propositions 5

B. *The 'forms of perception' ('intuition').*

5. Inconsistent views of 'object' in Kant, as (1) given independently of thought, (2) constituted by thought acting on matter of sensation 8
6. Space and time are *both* relations of objects *and* ideas, distinguished by primariness and simplicity 9
7. Kant's distinction between the idea of space as 'intuition' from other ideas as 'conceptions' 10
8. It gives no ground for opposing 'intuition' as what is 'real' to 'conception' as the 'work of the mind' . . . 11

C. *The 'deduction of the categories' in the first edition of the 'Critique.'*

9. Point of Kant's question, How can pure conceptions relate *a priori* to objects? 13
10. The ground for assuming such conceptions is that related phænomena imply a correlating unit 14

PAGE
11. And we find no such unit except in consciousness . . . 15
12. Kant's account of this unity of consciousness. (1) 'Synthesis of apprehension' 16
13. Particular difficulties apart, Kant's point is that a synthesis is necessary to constitute an individual object, *this* or *that*. 17
14. 'Synthesis of apprehension' involves (2) that of 'reproduction.' Relation of Kant's doctrine to that of 'association' . 19
15. (3) 'Synthesis of recognition in the concept.' Kant's untenable opposition between 'intuition' and 'conception,' involving an ambiguous use of 'object.' 21
16. This conceptual synthesis is implied in the ordinary account of simple perception 22
17. It is also, as 'transcendental apperception,' the condition of there being 'reality' or a 'real object' 23
18. Its application by Kant to explain the meaning of 'the correspondence of thought with its object' 24
19. As that without which there would be no 'objects' at all, it is 'transcendental' 25
20. It is not dispensed with by saying that 'object' = merely the '*possibility* of experience,' for the 'possibility' must be a *determinate* possibility 27
21. Thus what Kant calls the 'transcendental object' and the 'transcendental subject' are the same 27
22. Is it the 'thing in itself'? Divergence as to this between the *Critique*, Ed. I and the *Prolegomena* 28
23. Kant writes wrongly as if 'intuition' could give 'objects' independently of 'conception' 29
24. Which suggests that 'phænomena' or affections of sensibility are due to some other cause than the unity of self-consciousness 30
25. If this unity 'makes nature,' must not either (1) nature be 'subjective,' or (2) myself=God? Kantian answer to (2). 30
26. As regards (1), it is only by false abstraction that we can separate our successive states of mind from eternal relations 31
27. Kant's 'deduction' in Ed. I really answers the *quæstio facti* as well as the *quæstio juris* as regards the 'pure conceptions' 32

D. *The 'schematism of the pure conceptions of the understanding,' and the 'mathematical principles.'*

28. 'Schemata' are determinations of internal sense which mediate between (1) categories and objects of intuition, (2) one conceived object and another 35

PAGE

29. The partial error in Kant's account of them is due to his false separation of categories from 'phænomena,' as if the latter were objects without the former 36
30. Properly speaking no objects are 'given' without 'unity of apperception' (of which the categories are forms), and therefore no mediation between them is needed . . . 37
31. Kant's account of number as schema of quantity involves confusion between time as condition of counting and time as what is counted 39
32. The apprehension of an object of intuition *ipso facto* constitutes it a quantity 41
33. Thus number does not render apprehension of extensive quantities possible; it is itself the result of the apprehension in its most abstract form 42
34. Kant's account of intensive quantity as the 'real' in phænomena 43
35. He uses 'apprehension' both for consciousness of sensation and for consciousness of it as the real in phænomena, i.e. as degree 44
36. Want of adjustment between the 'real' as 'schema,' (time-filling), and the 'real' in the 'anticipations of perception,' (degree) 45

E. *The relation of the 'mathematical' to the 'dynamical' principles.*

37. According to Kant, the mathematical principles represent 'constitutive,' the dynamical 'regulative,' knowledge . 46
38. But (*a*) the relations in which a phænomenon must stand to another 'concern' the phænomenon, and a phænomenon cannot be intuited or perceived without such relations . 47
39. And (*b*) we do not 'anticipate experience' in the 'axioms' and 'anticipations' any more than in the 'analogies' . 48
40. Nor is the necessity of the mathematical principles rightly contrasted with that of the dynamical as 'intuitive' with 'discursive' 48

F. *The proofs of the 'analogies of experience.'*

41. According to Kant, the three 'analogies' correspond to the three '*modi* of time' 50
42. They represent relations of 'time in general' (as opposed to the time at which phænomena happen to occur) in which the thinking subject asserts its presence 51

PAGE

43. (1) Proof of the first 'analogy.' Kant is right in saying that no relation of time is possible without permanence, wrong in calling permanence 'another expression for time' 52
44. Time, as the relation of succession, is a permanent relation, but it is not itself 'the permanent,' which is just the negation of succession 53
45. Time being either succession or duration, succession, permanence, and coexistence are not rightly called 'modes of time' 54
46. The only real permanent, which makes all modes of time possible (Kant's 'matter of all phænomena'), is the eternal subject 54
47. (2) The second 'analogy.' The relation of cause and effect implies a distinction between the subjective sequence of feelings and the objective sequence of events, and determination of the former by the latter 55
48. The source of such determination is the unity of understanding, in virtue of which the order of events is *one* . . . 57

G. *The distinction of 'analytical' and 'synthetical' judgments in connexion with the 'postulates of empirical thought.'*

49. Kant's doctrine that 'possibility of experience' gives 'objective reality to *a priori* cognition,' as giving the principle of all synthetical judgments 58
50. The principle of contradiction is not rightly called the 'test' of the truth of analytical judgments, for either they need no test, or, if they do, they are not analytical . . 59
51. Kant's distinction between 'all bodies are extended' and 'all bodies have weight' is untenable: *both* involve 'experience' 61
52. Both imply synthesis and both analysis. Kant really supplies the correction to his own doctrine 62
53. His account of the 'principles of modality' partly suffers from the same notion, that the conceived object can be thought apart from its relations 62
54. A 'possible' object is either 'objectively possible,' in which case it *is* real, or 'subjectively possible,' in which case it cannot be conceived as real without 'further determination'. 64

H. *The distinction between 'outer' and 'inner' sense.*

PAGE

55. The true sense of this distinction is that between the consciousness of objects as related to each other and as changes in the conscious subject 65
56. With Kant 'internal sense' generally = 'empirical apperception,' which implies a 'permanent external something' or 'substantia phænomenon' 66
57. He is right in holding that consciousness of our successive states *as ours* implies that of permanent objects other than them 67
58. But (1) such consciousness is not rightly described as 'outward,' and (2) of 'inner sense' properly so called time is not the peculiar form 67
59. Kant uses 'internal sense' for (1) the sensible in general, of which time is the form, (2) empirical apperception; and in both it implies action of the understanding . . . 68
60. Recapitulation of the meanings of the distinction between 'outer' and 'inner' sense 70

I. *The 'empirical reality' of time.*

61. Kant's doctrine does not at first sight seem to allow enough reality to space and time 72
62. *Mere* time is an abstraction; in the real world of becoming time exists only as a factor neutralised by what is not time. Three questions as regards such a world 72
63. The events which preceded the appearance of sentient life form one whole with our experience, and the condition of this whole is not our sentient life, but an eternal reason . 73
64. As being ourselves this reason we conceive nature as a 'system of becoming'; as being ourselves part of nature, we do not get beyond this formal conception . . . 74
65. As such a system, nature must be conceived as both finite and infinite 75
66. If with Kant we say that this contradiction is inherent in 'empirical reality,' which = sensibility determined by reason, what becomes of 'reality' before human sensibility existed? 76
67. Of three alternative answers two untenable ones may be extracted from Kant's language 77
68. The only tenable view is that nature, as the eternal fact of change, implies an eternal sensibility, determined by reason, and reproduced in us 79

PAGE

69. Answers to questions raised in sec. 62; (1) nature exists only for a thinking subject; (2) for such a subject it is both finite and infinite; (3) for such a subject time exists, not in itself, but as a factor in change 80

II. The Metaphysic of Ethics.

K. *The distinction between 'natural' and 'moral' agency.*

70. Is moral philosophy a branch of anthropology? . . . 83
71. Or is moral agency absolutely distinct from natural, as held by Kant? 83
72. Necessity of starting from Kant, in distinguishing moral philosophy from natural science 84
73. Kant's *dictum* that 'understanding makes nature.' Its general meaning 85
74. Difficulties in Kant's account of the relation of understanding to sensibility 86
75. Problems to which he conceives that the process of knowledge gives rise 87
76. What he distinguishes as 'reason' and 'understanding' are really forms of the same principle 88
77. Sense in which he may be said to hold that 'knowledge is only of phænomena' 89
78. The function of reason in relation to desire as distinguished from its function in knowledge. 'Want' and 'wanted objects' 90
79. The self-consciousness involved in wanted objects is not strictly 'natural' 91
80. But if 'nature' also implies self-consciousness, why distinguish 'moral' from 'natural'? Different senses in which understanding 'makes' nature and 'makes' morality . 92
81. In nature it is not itself an agent in the series of events which it constitutes, as it is in moral action 93
82. As thus directly affected by the reason of the individual agent, moral action is 'free' as no natural action is . . 94
83. But 'free' in this sense does not mean 'unmotived' . . 95
84. Thus we may adopt Kant's distinction between a 'natural' and a 'rational' agent 95

L. *The distinction between the 'empirical' and 'intelligible' characters.*

85. Kant's doctrine of 'free causality.' The 3rd 'antinomy' (1) in its cosmological bearing 98

PAGE

86. (2) In its ethical bearing. Apparent unsatisfactoriness of the distinction between the 'empirical' and 'intelligible' characters 100
87. Kant himself supplies the means for getting rid of it . . 101
88. Recapitulation of criticism on Kant, and questions to which his doctrine gives rise 104

M. *The coexistence of freedom and natural necessity in the same action.*

89. Kant's moral theory forces upon him the problem, how freedom and natural necessity can coexist in the same action. 106
90. Are some acts free, others naturally determined? or is the same act jointly determined? 107
91. Kant cannot admit either alternative. (His double use of 'freedom') 107
92. The truth is that the real man can only exist and act in *one* way, i.e. as an object to himself, and in that sense 'free' . 108
93. The right and wrong in Kant's account of the matter . . 109

N. *The good will.*

94. The problem of idealistic ethics is to justify the conception of *that which unconditionally ought to be* 110
95. The essence of Kant's solution 110
96. What Kant calls 'law' really implies 'object' 111
97. The primary question which his doctrine raises is, Can reason *constitute* a law or object? His use of 'reason' . . . 111
98. His conception of the function of unity in knowledge, in its two forms of 'reason' and 'understanding' 113
99. Connexion between the 'reason' of the *Critique of pure reason* and that of the ethical treatises. 114
100. Difference between them 116
101. Two ways in which the former prepares the way for the latter 116
102. Meaning of Kant's question, 'Is there a practical use of pure reason?' or, 'Is there a free causality?' . . 117
103. It is answered by an appeal to the 'voice of conscience.' Relation of the *Grundlegung* to the *Kritik d. prakt. Vernunft*. 119
104. Kant's assertion that the idea of duty is no 'Erfahrungsbegriff.' Sense in which he was right 121
105. How far was he right in calling the *a priori* element in moral experience an 'idea of universal law'? . . . 124
106. Nothing is really gained by ascribing it to 'reason'; the question is, Is the analysis which yields it true? . . 125

PAGE

107. Explanation and connexion of Kant's two first formulations of the 'categorical imperative' 126
108. The third formulation of it 128
109. The basis of his ethics is that 'good will' = 'autonomous will.' Three questions raised by this doctrine . . . 130
110. (1) Is there such a thing as determination of will by law in virtue of its mere form? Is not such law objectless? . 130
111. No; Kant's conception of such law does imply relation to an object, i.e. the desirable before it is desired . . . 131
112. Which he finds in the rational nature of man. But this again raises several questions 132
113. Is not Kant's 'reason' merely the animal instinct of self-preservation? No; for instinct excludes self-consciousness 133
114. Why ascribe this self-consciousness to 'reason'? Because it is the same principle that is involved in knowledge . 133
115. This principle in activity is 'will.' Kant's three definitions of will 134
116. Essential difference between them and the definition e.g. of Bain 135
117. 'Rational' in the third definition must be interpreted so as to include 'heteronomous' will 136
118. Does then Kant's theory give a ground for distinguishing 'good' from 'bad' will, as embodied in various concrete interests? 138
119. Not in the sense that all interests are *either* interests in the fulfilment of the moral law *or* desire for pleasure: some are neither 132
120. Does then Kant's principle, that only the interest constituted by reason is truly moral, furnish a criterion of moral value? 140
121. We must bear in mind that the only subject of moral valuation is *character*. Difference between 'desiring pleasure' and 'living for pleasure' 141
122. Character means the way in which a man seeks self-satisfaction 142
123. 'Pleasure-seeking' is not the only immoral, nor consciously 'living for the good of others' the only moral, life . . 144
124. Justification of Kant's account of the 'good' will, as regards (1) its object, (2) its binding character . 145
125. Kant's doctrine that the moral law is 'self-imposed.' (1) In what sense is it true? . . 146
126. (2) How far is the consciousness of its being self-imposed a necessary condition of virtue? 148

O. *Impossibility that desire for pleasure should yield a moral law.*

PAGE

127. Desire for pleasure, even if uniform, could only give rise to a 'natural' law 151
128. Distinction between 'physical' and 'moral' necessity . 152

P. *The chief points of difficulty in Kant's moral theory.*

129. Doctrines, (1) that the idea of the moral law is not derived from experience; (2) that the moral goodness of an act is not affected by any *result*; (3) that the morally good act must be devoid of any *motive*; (4) that the moral law is 'objectively necessary' 154

LECTURES ON LOGIC.

I. THE LOGIC OF THE FORMAL LOGICIANS.

1. Different views of logic. (1) View that it is the science of the method of knowledge, modified according to the view taken of the object of knowledge 158
2. (2) View of the formal logicians derived from the Aristotelian and scholastic doctrine of syllogism; this has only a practical value 159
3. But is made by modern logicians into a speculative science, investigating the laws of formal thinking 161
4. But (*a*) 'formal thinking' is not a real *process* of thought at all 162
5. As is practically admitted when it is expressed in a quantified form. 163
6. Does it then (*b*), as described by formal logicians, represent the completed *result* of thinking? 164
7. 'Intuition' and 'sensation' as used by Mansel and Hamilton 165
8. Intuition cannot be opposed to conception as 'presentative' to 'representative,' for the most immediate presentation implies something not present 167
9. And an unconceived object of intuition would be a nonentity (devoid of attributes) 169
10. For 'here' and 'now' express relations only possible to a subject not 'here' and 'now,' i.e. a *thinking* subject . . 170
11. And the felt *thing* (as distinct from feeling) *is* the ideal thing, a centre of intelligible relations 171

PAGE

12. What then is the relation between (*a*) *intuition* and *conception*? According to Kant, 'thought' is possible without intuition, but not 'knowledge' 172
13. Mansel's view seems to confuse the logical individualisation implied in all conception, with individualisation in space and time (intuition) 173
14. There are many conceptions (e.g. moral ones) which are neither realisable nor verifiable by intuition. ('Faith') . 174
15. (*b*) As to the antithesis between *perception* and *imagination*, it is *not* that between (i) 'work of things outside us' and 'work of the mind,' or (ii) 'real' and 'unreal' . . 176
16. (*c*) As to that between *the real thing* and the *conception of it*, (i) if the 'real' be identified with feeling, it can only be so as *related* feeling 177
17. (ii) If it be identified with 'matter,' it can only be matter as potentially *related to* all things, not the 'matter' of physics 177
18. Thus without thought not only would there be no consciousness of relation, there would be no relations . . . 179
19. The permanence of the psychical effects of 'registered' feelings is quite different from their permanence as felt facts, which implies that they pass and are yet retained as past . 180
20. The doctrine that thought constitutes relations does not (*a*) 'do away with external matter,' nor (*b*) resolve everything into thought 181
21. Nor (*c*) imply that the universe is the creation of 'my mind' 182
22. Any other doctrine obliges us to suppose (*a*) that the world which each man knows begins and ends with his birth and death 183
23. Or (*b*) that there is a world of 'things in themselves,' to which our categories do not apply. (Sense in which we may speak of a spiritual world) 183
24. Returning to 16, it may be said (1) 'the real thing is sensible, the conception is not.' But the real thing is sensible only *because* conceived. The conception differs from it through detachment (*a*) from sensation, (*b*) from other relations . 184
25. A perfect conception of a thing is not distinguishable from the possible sensible experience of it, and to a perfect intelligence there would be no difference between possible and actual sensation 185
26. (2) 'We can *make* conceptions, not real things.' But if what we *can* make does not amount to reality, no more does what we cannot make (sensations) 186
27. (3) 'The real thing is individual, the conception is representative.' But individuality, in whatever sense, implies or consists of conceptual relations 187

PAGE

28 The real, then, is real *as conceived*, and the relations to sense, which *as perceived* it implies, are *conceived* relations . 188

29. All our conceptions of things are inadequate, and in process of formation, and therefore strictly speaking indefinable . 189

30. To a perfect mind thought (not feeling) *is* the reality, and to us feeling does not add anything to thought except occasions for further thought 190

31. Incidentally it has been shown that the function of thought is not (according to the old notion) to abstract attributes from objects given independently of it 192

32. The real process of all thought is from the abstract to the concrete, a joint process of analysis and synthesis . . 193

33. The great distinction is between reflective and unreflective stages of thought 194

II. THE LOGIC OF J. S. MILL.

A. *The import of propositions.*

34. Mill's order of inquiry (names, nameable things, propositions) is misleading 195

35. The right order would be to begin with the analysis of propositions, which would yield the primary conceptions presupposed by all experience 196

36. According to Mill propositions relate to 'things,' not 'ideas,' as with Locke. But he does not escape Locke's difficulty by substituting 'phænomenon' for 'idea' . . . 197

37. In Locke's view Mill's propositions about phænomena could only express particular and contingent truth . . . 198

38. If 'phænomenon' be taken to mean 'appearance,' the difficulty remains how 'appearances' come to be interpreted into an order of nature 199

39. Mill, while rightly referring propositions to the real, does not see that the real implies a conceptual construction, the relation of thing and quality 200

B. *Names.*

40. Mill's distinction of 'singular' and 'general' names is really one of propositions 202

41. And ignores the different senses of 'individuality,' none of which can be expressed without a proposition . . . 202

42. Singular names imply singular propositions, and these imply a *conceived* object of actual or possible intuition . . . 203

PAGE

43. Thus general propositions, though, if they concern nature, they must be verifiable in singular ones, express relations at once real and universal 204
44. Mill's 'non-connotative' names are really connotative. Those which 'signify attributes only' really express substantiation of the attributes 205
45. 'Positive' and 'negative,' into which he divides names, are really correlative terms applying to every judgment . . 206

C. *Categories.*

46. Two views of categories, (1) as primary relations conditioning experience, (2) as ultimate things abstracted from experience 207
47. (*a*) 'States of consciousness.' The knowledge of these as 'existences' already involves the category of substance and attribute 208
48. And the distinction of them from their objects and from properties of these involves the category of cause and effect . 208
49. (*b*) 'Mind' and 'body.' These represent the same two categories, substance and cause, in abstraction from their correlative factors, attribute and effect 209
50. Mill confuses body and mind partly with the outward cause of sensation and the sensitive organism, partly with the 'thing in itself' 210
51. Thus 'states of consciousness' (1) are wrongly co-ordinated with substance and attribute, and (2) do not come under *primary* conceptions, which categories should be . . . 211
52. If categories be understood as 'classification of existences,' no such classification as would include 'states of consciousness' could be exhaustive 211
53. (c) 'Attributes.' As regards quality and quantity Mill ignores the distinction between feeling proper and felt thing or fact 212
54. And does not recognise that judgments respecting them involve relations no less than those respecting what he calls specifically 'relations' 213
55. Relations which the related objects jointly produce only differ in the complexity of the relationship from any other qualities 214
56. Relations of resemblance and succession cannot be reduced (as Mill tries to do) to compounds of feelings . . . 215
57. He does not see that *all* judgments involve the relation of identity, i.e. something other than mere feelings . . . 215

PAGE

58. Judgment is the thought of an object under relations, of which identity, cause, substance, reciprocal determination, are the most primary 216
59. Resemblance, simultaneity, and succession are not rightly classed among relations involved in all judgment . . . 217
60. Mill holds two inconsistent views of the proposition, as expressing relations (1) between 'attributes,' (2) between 'phænomena,' i.e. feelings 218
61. No judgment expresses relations of feelings *as felt*, and the relations which it does express are not merely those of feelings to one another, but of attributes to a thing . . 218
62. Thus a judgment may state the sequence or coexistence of phænomena to *be* an attribute, but it never states the sequence or coexistence *of* attributes 219

D. *Verbal and real propositions.*

63. Difficulty of saying what are 'verbal' propositions according to Mill. With the formal logicians *all* general propositions, which are logically justifiable, must be 'verbal' . 221
64. With Locke, again, only singular propositions are 'instructive' (real), except in morals and mathematics, where general propositions may be so 221
65. Though on his own theory he could not explain how this is possible 223
66. Kant retains the doctrine that 'empirical' judgments cannot be universal and necessary, (which is true, if they only summarise feelings) 224
67. And holds therefore that universal and necessary judgments, if synthetical, must be *a priori* 224
68. But (1) his 'analytical' judgments (unlike Locke's 'verbal') are not mere analyses of names, and (2) his 'synthetical' judgments (unlike Locke's 'real') imply conceptions not of empirical origin 225
69. Must we not then modify (1) Kant's distinction between mathematical and other knowledge, and (2) his doctrine that all extension of knowledge implies intuition? . 226
70. 'Body is extended' involves a synthesis as much as 'body has weight'; the difference lies only in the complexity of the synthesis 227
71. I.e. while both *may* represent mere analyses of conceptions, yet (1) neither is originally arrived at without experience or an intellectual synthesis 228

PAGE

72. (2) To a perfect intelligence both would be equally necessary; and (3), as truths, the distinction is only between the more elementary and the more complex . . . 229
73. In what sense can the distinction between judgments respecting matters of fact and respecting ideas be maintained? Locke and Hume 230
74. If, as Mill holds, there are universal propositions about matters of fact, these must be, not events of feeling, but elements in an intelligible order 231
75. For the above distinctions of Locke and Kant it is better to adopt another of Kant, that between propositions which do and those which do not concern objects of possible experience 231

E. *Definition.*

76. The ambiguity in Mill's view of propositions comes out in his account of definitions 233
77. He identifies them with 'verbal' propositions, and yet distinguishes 'complete' from 'incomplete,' and requires the former to state 'the whole of the facts' 233
78. In regard to scientific definitions, which 'expound a classification,' he virtually adopts the view of Plato and Aristotle 235
79. He is afraid that if he admits definition to be of the 'nature of things,' he implies the reality of 'essences' . . . 235
80. Every definition explains a conception represented by a name, but the question is, what is the conception and in what sense does the definition explain it? 236
81. Definitions of current terms, of scientific *genera*, of metaphysical and of legal or moral principles, must all in different ways be incomplete 236

F. *Space and geometrical truth.*

82. The question as to the nature of mathematical definitions turns on the view taken of space. (What is accounted for by Spencer and others is not space, but our beliefs about space) 238
83. Space according to Berkeley and Hume 238
84. The 'priority' assigned by Kant to space and time is compatible with the historical view of the origin of the *ideas* of them 239
85. In his definition of space as 'form of outer sense, 'form' = the relation by which the mind constitutes an external object 240

PAGE

86. And the point of the definition, which owing to the primariness of space is necessarily tautological, is that space does not belong to things apart from thought, nor to *all* objects of thought, nor to thought itself 241
87. The theory that space is an attribute of 'matter' either explains nothing (if matter is unknown), or explains it by 'thought' (though not the thought of the individual) . . 242
88. Space is a particular mode of the relation of mutual limitation between objects: as the condition of *all* perceivable objects, it can be considered apart from all other conditions 243
89. In this sense it may be called 'an abstraction' (as Kant calls it 'an intuition'), but not as abstracted from sensitive experience 243
90. The points, lines, surfaces, which are the material of geometry, are various forms of the limit between objects, got by detachment of the non-sensuous element in perception 244
91. The definitions of geometry are mental constructions out of this ideal material, and the axioms are involved in these acts of construction 245
92. The definitions imply an *a priori* synthesis (Kant), which holds good of all possible experience (is in '*pure* intuition') . 246
93. Mill objects to saying that geometry rests on definitions, because he thinks definition has only to do with names . 246
94. The universality of the singular proof in geometry is due to the fact that we *construct* the figures out of elements implied in all possible experience 247
95. The propositions on which the proofs depend are neither statements of sensible events nor analyses of the meaning of names 248
96. The distinction between the 'necessity' of mathematical and the 'contingency' of physical truth is really one between complete and partial truth 249
97. It does *not* mean that mathematical truths are only 'hypothetically' true, a theory which rests on the identification of the 'real' with the 'felt' 250

G. *Time.*

98. Time is the relation of the elements of a *vanishing* manifold which (like space) implies a permanent subject . . 252
99. Time as the 'form of inner sense,' (Kant). The distinction between 'outer' and 'inner' sense as = that between bodily and mental is (*a*) untenable in itself. . . . 252

PAGE

100. And (*b*) does not correspond to the Kantian distinction between 'outer' and 'inner' as = in space and in time . 254
101. This distinction, as understood by Kant, is itself open to objection, and as properly understood is not well expressed by 'outer' and 'inner' 254
102. Time is the *primary* condition of all feelings as simply attended to or thought; space is their condition as *not* in time, as attended to *together* 256

H. *Demonstration and necessary truth.*

103. To the questions (*a*) from *what* experience are primary mathematical truths derived? (*b*) *how* are they derived? Mill answers (*a*) from sensation, (*b*) by generalisation . 258
104. Where then (1) do we get the material for the generalisation, if (as Mill holds) we never have sensible experience of these truths? 259
105. And (2) how, when made, do we apply it to reality? . . 261
106. In his opposition of knowing 'by our eyes' to knowing 'by intuition' Mill is right as against Whewell, who takes 'intuition' to = imaginary looking 262
107. It is an *abstract* view of space which says 'body cannot act where it is not'; in truth it determines that which is where it is not by not being there 263
108. The antithesis between 'necessary' truths and truths 'of experience' is misleading. All general truths, so far as unqualified, are necessary 264
109. 'Inconceivability of the contradictory' is not the *test* of the truth of a proposition, because it is simply equivalent to its truth 265
110. Mill is right in denying it, but denies it on wrong grounds. 267
111. If 'inconceivable' = 'unbelievable' in Mill's sense, no scientific theories are believable 268
112. The truth is that these theories are not theories *about* the reality; they *are* the reality 268
113. Spencer's doctrine of inconceivability, (*a*) as applied to 'belief in our own sensations.' What he calls 'inconceivable' is really the necessary complement of the conception which it negatives 269
114. (*b*) As applied to belief in an objectively external world. He confuses 'objective' with 'external,' and subjects thought to conditions of its own making 270
115. Mill's doctrine that truths of number are got by 'generalisation' assumes what it has to explain, the act of counting 271

I. *Syllogism.*

PAGE

116. In his theory of syllogism Mill is right as against the theory which he attacks 273
117. But his own theory is open to the same objections, and these cannot be answered by denying 'general truths' about nature 274
118. The true answer is that inference has to do, not with the quantity of particulars, but with their nature; it is from the phænomenon to its conditions 275
119. Mill's view of inference in his account of syllogism is inconsistent with that in his account of induction . . 276
120. The likeness and unlikeness of inference in mathematics, natural science, and law respectively 277
121. Mill's 'universal type' does not really express either the process or the result of inference 278

K. *Induction.*

122. Misconceptions implied in Mill's various accounts of induction 281
123. They go along with a misconception of the axiom of the uniformity of nature, which does not mean that 'the future will resemble the past' 281
124. The principle of induction cannot be derived from 'simple enumeration'; it is implicit in the most elementary act of knowledge 283
125. Mill's account of induction expresses only an incident, not the essence, of it 284
126. He holds two inconsistent views of science, as = (1) discovery of causes, (2) registration of resemblances. Interest of his controversy with Whewell 285
127. What he distinguishes as 'observation,' 'description,' and 'induction,' are really stages in one act by which the world becomes known to us 286
128. Observation either does not involve resemblance at all, or involves more than resemblance 286
129. The ordinary view ignores the fact that resemblance implies an act of colligation which itself constitutes the resembling objects 287
130. All science is a progressive correlation, i.e. conditioning, of feelings 288
131. The phænomena between which 'uniformities' are said by Mill to be discovered, are themselves sums of conditions. 290

PAGE

132. Mill does not draw the right distinction between 'description' (as implying 'abstraction') and 'explanation' (as implying 'generalisation') 290
133. It is true that we get our conceptions from the 'facts,' but the facts from which we get them are our own imperfect observations 292
134. Thus neither was Kepler's discovery an 'abstraction' in the ordinary sense, nor that of Newton a 'generalisation' in the ordinary sense 293
135. The real difference between them lies in the relative completeness of the colligations 294

L. *Causation.*

136. Ordinary views as to the alternative theories of causation . 296
137. Hume's doctrine, and its true logical outcome . . . 297
138. Scientific men, who suppose themselves to adopt it, really adopt only a residuum of it 299
139. Viz. that no reason can be given why one event should follow another. Supposed antithesis between 'reason' and 'cause' 300
140. It is true that no fact can be proved by reasoning, but equally true that nothing is a fact which does not imply reasoning 301
141. If 'cause' = 'sum of conditions,' it cannot = 'antecedent event' 302
142. It may be said that the sum of conditions is resolvable into certain sequences and simultaneities 303
143. But the relation of a phænomenon to all sequences and simultaneities, which alone is its adequate cause, implies something not successive or simultaneous 304
144. Mill inconsistently holds that the relation of cause and effect is an objective relation, and yet that it consists in sequence of feelings 305

On the different senses of 'freedom' as applied to will and to the moral progress of man.

1. In one sense (as being search for *self*-satisfaction) *all* will is free; in another (as the satisfaction sought is or is not real) it may or may not be free 308
2. As applied to the inner life 'freedom' always implies a metaphor. Senses of this metaphor in Plato, the Stoics, St. Paul 309

PAGE

3. St. Paul and Kant. It would seem that with Kant 'freedom' means merely consciousness of the *possibility* of it ('knowledge of sin') 311
4. Hegel's conception of freedom as objectively realised in the state 312
5. It is true in so far as society does supply to the individual concrete interests which tend to satisfy the desire for perfection 312
6. Though (like the corresponding conception in St. Paul) it is not and could not be realised in any actual human society 314
7. In all these uses 'freedom' means, not mere self-determination or acting on preference, but a particular kind of this 315
8. The extension of the term from the outer to the inner relations of life, though a natural result of reflection, is apt to be misleading 315
9. Thus the question, Is a man free? which may be properly asked in regard to his *action*, cannot be asked in the same sense in regard to his *will* 316
10. The failure to see this has led to the errors (1) of regarding motive as something apart from and acting on will, (2) of regarding will as independent of motive 317
11. Thus the fact that a man, *being what he is*, *must* act in a certain way, is construed into the negation of freedom . . 318
12. And to escape this negation recourse is had to the notion of an unmotived will, which is really no will at all . . 319
13. The truth is that the will is the man, and that the will cannot be rightly spoken of as 'acting on' its objects or *vice versa*, because they are neither anything without the other. 319
14. If however the question be persisted in, Has a man power over his will? the answer must be both 'yes' and 'no' . 320
15. 'Freedom' has been taken above (as by English psychologists generally) as applying to will, whatever the character of the object willed 320
16. If taken (as by the Stoics, St. Paul, Kant (generally), and Hegel) as applying only to *good* will, it must still be recognised that this particular sense implies the generic . . 321
17. Whatever the propriety of the term in the particular sense, both 'juristic' and 'spiritual' freedom spring from the same self-asserting principle in man 322
18. And though the former is only the beginning of full freedom, this identity of source will always justify the use of the word in the latter sense 323

PAGE

19 But does not the conception of 'freedom' as = the moral ideal imply an untenable distinction like that of Kant between the 'pure' and 'empirical' ego? 324
20. The 'pure' and 'empirical' ego are one ego, regarded (1) in its possibility, (2) as at any given time it actually is . 325
21. In man the self-realising principle is never realised; i.e. the objects of reason and will only *tend* to coincide . . 326
22. So far as they do coincide, man may be said to be 'free' and his will to be 'autonomous' 327
23. The growing organisation of human life provides a medium for the embodiment, and disciplines the natural impulses for the reception, of the idea of perfection 328
24. The reconciliation of reason and will takes place as the individual more and more finds his own self-satisfaction in meeting the requirements of established morality . . 330
25. Until these come to be entirely superseded by the desire of perfection for its own sake, and his will becomes really free 331

LECTURES ON THE PRINCIPLES OF POLITICAL OBLIGATION.

A. *The grounds of political obligation.*

1. Subject of the inquiry 335
2. Its connection with the general theory of morals. Ideal goodness is to do good for its own sake: but there must be acts considered good on other grounds before they can be done for the sake of their goodness 335
3. When however the ideal comes to be recognised as the ideal, the lower interests and rules must be criticised and revised by it. 336
4. The criticism of interests will yield a 'theory of moral sentiments'; that of rules will relate (1) to positive law, (2) to the law of opinion 337
5. As moral interests greatly depend on recognised rules of conduct, and these again on positive law, it is best to begin by considering the moral value of existing civil institutions 337
6. The condition of morality is the possession of will and reason, and it is realised in a personal character in which they are harmonised 337
7. Civil institutions are valuable so far as they enable will and reason to be exercised, and so far they answer to 'jus naturæ' 338

PAGE

8. The essential questions as to the 'law of nature' are, (1) are there rights and obligations other than those actually enforced? (2) If so, what is the criterion of them? . . 339
9. While rejecting the theory of a 'state of nature,' we may still use 'natural' of those rights which *ought to* be, though they actually are not 339
10. Such 'natural law' is (as admitting *enforcement*) distinct from, but (as implying a *duty* to obey it) relative to, the moral law 340
11. Hence two principles for the criticism of law, (1) only external acts can be matter of obligation proper, (2) the ideal of law must be determined by reference to the moral end which it serves 340
12. Observe (*a*) that in confining law to 'external actions,' we mean by 'actions' *intentions*, without which there is properly no 'action' 341
13. (*b*) That by 'external' we mean that law, though it does supply motives to action, looks merely to whether the action is done, not to whether it is done from a particular motive 342
14. Law then *can* only enjoin or forbid certain acts; it *cannot* enjoin or forbid motives 343
15. And the only acts which it *ought* to enjoin or forbid are those of which the doing or not doing, *from whatever motive*, is necessary to the moral end of society 343
16. The principle of 'natural law,' then, should be to enjoin all acts which further action from the highest motive, and no acts which interfere with such action 344
17. This principle would condemn much legislation which has tended, e.g., to weaken religion, self-respect, or family feeling 344
18. This, and not the principle of 'laissez-faire,' is the true ground of objection to 'paternal government' . . . 345
19. The theory of political obligation (i.e. of what law ought to be, and why it ought to be obeyed) is not a theory (*a*) as to how existing law has come to be what it is . . . 346
20. Nor (*b*) as to how far it expresses or is derived from certain original 'natural' rights 346
21. 'Natural' rights (like law itself) are relative to moral ends, i.e. they are those which are necessary to the fulfilment of man's moral vocation as man 347
22. This however is not the sense in which political obligation was based on 'natural rights' in the seventeenth and eighteenth centuries, previously to utilitarianism . . 347

PAGE

23. The utilitarian theory so far agrees with that here advocated that it grounds existing law, not on a 'natural' law prior to it, but on an end which it serves 348
24. The derivation of actual rights from natural (i.e. more primitive) rights does not touch the real question, viz. how there came to be *rights* at all 349
25. The conception of a moral ideal (however dim) is the condition of the existence of rights, and conversely anyone who is capable of such a conception is capable of rights . 350
26. Thus the consciousness of having rights is co-ordinate with the recognition of others as having them, the ground of both being the conception of a common good which *ought to* be attained 351
27. Rights then can only subsist among 'persons,' in the *moral* sense of 'persons,' i.e. beings possessed of rational will . . 351
28. Though the moral idea of personality is later in formulation than the legal, and this again than the actual existence of rights 352
29. Rights which are directly necessary to a man's acting as a moral person at all may be called in a special sense 'personal' 353
30. Nor is there any objection to calling them 'innate' or 'natural,' if this means 'necessary to the moral development of man,' in which sense 'duties' are equally 'natural' . 353
31. Without a society conscious of a common interest there can be only 'powers,' no 'rights' 354

B. *Spinoza.*

32. Spinoza, seeing that 'jus naturæ' = 'potentia,' and not seeing that it is not really 'jus' at all, identifies all 'jus' with 'potentia,' both in the state and in the individual . . 355
33. From which it follows that the 'right' of the state against its individual members is only limited by its 'power' . . 357
34. And the same principle applies to the relations of one state to other states 357
35. But, according to Spinoza, though everything is 'lawful' for the state, everything is not 'best,' and the 'best' state is that which secures a life of 'peace,' i.e. rational virtue or perfection 358
36. This conclusion does not seem consistent with his starting-point, according to which men are 'naturally enemies' . 359
37. From such a 'status naturalis' there is no possible transition to the 'status civilis,' and the phrase '*jus* naturæ' remains unmeaning 361

PAGE

38. Spinoza's error of regarding 'rights' as possible apart from society was confirmed by his denial of final causes . . 362
39. It was just because Plato and Aristotle regarded man as finding his end in the end of the state, that they founded a true theory of rights 363
40. Spinoza, however, while insisting that man is 'part of nature,' yet places his 'good' in understanding nature and so acquiring a new character 363
41. In thus recognising the idea of perfection as a determinant of life, he really recognises an operative final cause, though without seeing its bearing on the theory of right . . . 365

C. *Hobbes.*

42. Hobbes differs from Spinoza in regarding the right of the sovereign, not as limited by his power, but as absolute . 366
43. Statement of his doctrine 367
44. He uses 'person,' as in Roman law, for either (1) a complex of rights, or (2) the subject of those rights . . . 367
45. Though by his theory the sovereign may be one or many, and sovereignty is transferable by the act of a majority, he tacitly vindicates the absolute right of a *de facto* monarchy 368
46. The radical fiction in his theory is that there can be any 'right' *after* the institution of sovereignty, if (as he holds) there is none before it 369
47. To justify his doctrine of absolute submission he has to assume a 'law of nature' which binds men to keep covenant, while yet he holds the 'law of nature' to be mere 'power' and covenants to be only valid under an *imperium* 370
48. His 'contract' can confer none but natural right, and that is either not a right at all, or (if it is) it belongs to all men, subject and sovereign alike 371
49. The real flaw in the theory of contract is not that it is unhistorical, but that it implies the possibility of rights and obligations independently of society 372
50. Though it has not been popularly accepted as regards the rights of sovereigns over subjects, the behaviour of individuals to society is to a great extent practically determined by it 373

D. *Locke.*

51. The development of this latter side of it is peculiarly due to Rousseau, but Locke, Hooker, and Grotius have essentially the same conception: Spinoza alone differs 374

PAGE

52. Ambiguity of their phrase 'state of nature.' They agree in treating it as the negation of the 'political state.' But if so, contract would be impossible in it 375
53. Nor could it be a state of 'freedom and equality,' as most of them assume it to be 375
54. And if this state of nature implies consciousness of obligation, it must imply recognition of social claims, and must therefore be virtually a political state 376
55. In fact the theory of a state of nature governed by a law of nature, as preceding civil society, must be untrue either to the conception of *law* or to that of *nature*. 377
56. Locke differs from Hobbes (1) in distinguishing the 'state of nature' from the 'state of war' 378
57. He implies (more consistently than Hobbes) that the 'state of nature' is one in which the 'law of nature' is observed 379
58. (2) He limits the supreme power in the state by the legislature, which holds its functions in trust from the community 380
59. And this distinction between the supreme community and the supreme executive enables him to distinguish between dissolution of the political society and dissolution of the government, which Hobbes had confused . . . 381
60. He invests the community with the right of resuming the powers which they have delegated, and thus justifies revolution when it is the act of the whole community . . . 381
61. The difficulty is to determine when it *is* the act of the whole community, and on this Locke's theory gives no help . 382
62. The difficulty indeed is not so great as that of conceiving the act of original devolution of power, and is inherent in the theory of contract 383
63. In the particular case of the reform of the English representative system, Locke does not contemplate the carrying out of his own theory 384

E. *Rousseau.*

64. Rousseau conceives the community to be in continual exercise of the power which Locke conceives it to have exercised once and to hold in reserve 386
65. In his view of the motive for passing from the state of nature into the civil state he is more like Spinoza than Locke 386
66. His statement of the origin and nature of the 'social contract' 386

PAGE
67. Its effects upon the individual 387
68. His idea of the sovereign is really that of a supreme disinterested reason, but he fuses this with the ordinary idea of a supreme coercive power 388
69. The practical result of his theory has been a vague exaltation of the will of the people, regardless of what 'the people' ought to mean 388
70. Further consequences of his ideal conception of sovereignty. It cannot be alienated, represented, or divided . . . 389
71. Thus the 'government' is never the same as the 'sovereign,' and constitutions differ according to where the government, not the sovereignty, resides 390
72. The institution of government is *not* by contract, but by the act of the sovereign, and this act must be confirmed or repealed periodically 391
73. His distinction between the 'will of all' and the 'general will': the latter always wills the common good, though it may be mistaken as to means 392
74. He admits however that it may be overpowered by particular interests, and so find no expression even in the vote of a general assembly 393
75. What then is the test of the 'general' will? Absolute unanimity is what Rousseau requires of the parties to the original contract 394
76. But what is to decide whether their successors are parties to it? Not 'residence,' unless there is also freedom to migrate 395
77. The element of permanent value in Rousseau is his conception of the state as representing the 'general will' . . 395
78. Difficulties in this conception. It seems that either no actual state realises it, or that there may be a state without a true sovereign 396
79. We may distinguish between *de facto* and *de jure* sovereignty, and say that Rousseau meant the latter; but this is only an *inference* from what he says 396

F. *Sovereignty and the general will.*

80. Hence it may be asked, (1) Is any actual sovereignty founded on the 'general will'? (2) Can sovereignty *de jure* be truly said to be founded on it? (3) If so, must it be expressed through the vote of a sovereign people? . . 399
81. (1) According to (e.g.) Austin's definition of sovereignty, we should answer this question in the negative . . 399

PAGE

82. (Observe that from Austin's definition it would follow that, while every 'law' implies a 'sovereign,' a 'sovereign's' commands need not be 'laws') 400
83. That definition directly contradicts that of Rousseau, in (*a*) placing sovereignty in *determinate* persons, (*b*) making its essence lie in power to compel obedience 401
84. Actual sovereignty combines both definitions; the habitual obedience of subjects to the sovereign is due to the sense that by obeying they secure certain ends . . . 402
85. So far as Austin means that a fully developed state implies a *determinate* supreme source of law, he is right as against Rousseau 403
86. But if sovereign power = the aggregate influences which really make the people obedient, it must be sought in the 'general will' 404
87. Such power need not be 'sovereign' in the narrower sense, and may coexist with a separate coercive power which is 'sovereign' 404
88. This has been the case in ancient despotisms, and in the modern empires of the East 405
89. So in states under foreign dominion, which retain a national life, the technical sovereign is not the law-making and law-maintaining power 406
90. Under the Roman Empire, in British India, in Russia, where the technical is also the real sovereign, its strength rests in different degrees on the general will 406
91. Thus the answer to question (1) depends on the sense of 'sovereign.' If it = a power which guarantees equal rights, it is implied in every 'political' society . . . 408
92. But (*a*) it *need* not be the supreme coercive power, and (*b*) if it is so, it is not *because* it is so that it commands habitual obedience 408
93. Thus (retaining the technical use of 'sovereign') it is true that if the sovereign is to be so *really*, it must express and maintain a general will 409
94. Though this is compatible with the fact that some of the laws of the sovereign conflict with the general will . . . 410
95. Thus as to question (2), (above, sec. 80), if sovereignty is said to rest on the general will 'de jure,' either 'sovereign' or 'jus' is not used in the strict sense 411
96. An antithesis between sovereign 'de jure' and 'de facto' can only arise from a confusion between 'sovereign' as = the source of law and 'sovereign' as = the 'general will' 412

PAGE

97. Though there are cases in which (in a different sense) a sovereign may be conveniently described as 'de facto,' not 'de jure,' or *vice versa* 414
98. Similarly, to say that the people is 'sovereign de jure' is to confuse the general will with the coercive power of the majority 414
99. Rousseau's confusion is due to the theory of 'natural rights,' (that the individual is not bound by anything which he has not individually approved) 415
100. The individual must indeed judge for himself whether a law is for the common good; but though he judge it not to be, he ought as a rule to obey it 416
101. Cases in which a doubt may arise 417
102 (*a*) Where the legal authority of the law is doubtful, owing to the doubt where the sovereignty in the state resides . 417
103. In such cases the truth generally is that the 'right,' on the particular issue, has not yet formed itself . . . 418
104. But it does not follow that because the 'right' is on both sides, one is not 'better' than the other; though this *may* be the case 419
105. In such cases of disputed sovereignty the distinction of 'de jure' and 'de facto' may be applied, though it is better to say that the sovereignty is in abeyance . . 420
106. The individual, having no 'right' to guide him, should take the side whose success seems likely to be best for mankind 421
107. (*b*) Another case is where there is no legal way of getting a bad law repealed. Here it is a question, not of *right*, but of *duty*, to resist the sovereign. 422
108. Nor is it a question of the right of a majority, *as a majority*, to resist: it may be the duty of a helpless minority . . 422
109. Some general questions which the good citizen may put to himself in such dilemmas 424
110. They can, indeed, seldom be applied by the agents at the time as they can be after the event 424
111. In simple cases we may judge of the right or wrong of an act by the character which it expresses, but generally we can only judge them by its results 424
112. All that the historian can say is that on the whole the best character is likely to produce the best results, notwithstanding various appearances to the contrary . . . 425

G. *Will, not force, is the basis of the state.*

PAGE

113. The doctrines which explain political obligation by contract agree in treating sovereign and subject apart, whereas they are correlative 427
114. For the desire for freedom in the individual is no real desire unless he is one of a society which recognises it. (Slaves are not a real exception to this) 428
115. And without an authority embodied in civil institutions he would not have the elementary idea of right which enables him to question the authority 429
116. But the theory of contract expresses, in a confused way, the truth that only through the common recognition of a common good, and its embodiment in institutions, is morality possible 429
117. Thus morality and political subjection have a common source 430
118. And *both* imply the twofold conception, (*a*) 'I *must* though I do not like,' (*b*) 'I must *because* it is for the common good which is also my good'. 431
119. It is a farther and difficult question, how far the sense of common interest can be kept alive either in the government or subjects, unless the people participates directly in legislation 432
120. And this suggests the objection, Is it not trifling with words to speak of political subjection in modern states as based on the *will* of the subjects? 433
121. We must admit (*a*) that the idea of the state as serving a common interest is only *partially* realised, even by the most enlightened subject, though so far as realised it is what makes him a loyal subject 434
122. (*b*) That if he is to be an intelligent patriot as well as a loyal subject, he must take a personal part in the work of the state 435
123. And (*c*) that even then his patriotism will not be a *passion* unless it includes a feeling for the state analogous to that which he has for his family and home 436
124. But are we not again assuming what was disputed, viz. that a sense of its serving a common interest is necessary to the existence of the state? 437
125. Observe that the idea of an end or function, realised by agencies unconscious of it and into which it cannot be resolved, is already implied even if the state be treated as a 'natural organism' 437

PAGE

126. Such a treatment, however, would ignore the distinction between the 'natural' and the 'human' or 'moral' agencies which have operated in the production of states . . 438
127. It may be objected that these 'human' agencies are not necessarily 'moral,' but on the contrary are often selfish . 439
128. But though human motives are never unalloyed, they only produce good results so far as they are fused with and guided by some unselfish element 439
129. If e.g. we would form a *complete* estimate of Napoleon, we must consider not only his ambition but the *particular form* in which his ambition worked 440
130. And further reflect that the *idiosyncrasy* of such men plays but a small part in the result, which is mainly due to agencies of which they are only the most conspicuous instruments 441
131. Thus an ideal motive may co-operate with the motives of selfish men, and only through such co-operation are they instrumental for good 441
132. The fact that the state implies a supreme coercive power gives colour to the view that it is based on coercion; whereas the coercive power is only supreme *because* it is exercised in a state, i.e. according to some system of law, written or customary 442
133. In the absence of any other name, 'state' is the best for a society in which there is such a system of law and a power to enforce it 444
134. A state, then, is not an aggregate of individuals under a sovereign, but a society in which the rights of men already associated in families and tribes are defined and harmonised 445
135. It developes as the absorption of fresh societies or the extended intercourse between its members widens the range of common interests and rights 445
136. The point to be insisted on is that force has only formed states so far as it has operated in and through a pre-existing medium of political, tribal, or family 'rights' . . 446

H. *Has the citizen rights against the state?*

137. As long as power of compulsion is made the essence of the state, political obligation cannot be explained either by the theory of 'consent,' or by that which derives all right from the sovereign 448
138. The state presupposes rights, rights which may be said to belong to the 'individual' if this mean 'one of a *society* of individuals' 449

PAGE

139. A right may be *analysed* into a claim of the individual upon society and a power conceded to him by society, but really the claim and the concession are sides of one and the same common consciousness 450

140. Such common consciousness of interests is the ground of the 'natural right' of slaves and of the members of other states 450

141. But though in this way there may be rights outside the state, the members of a state derive the rights which they have as members of other associations from the state, and have no rights against it 451

142. I.e. as they derive their rights from their membership in the state, they have no right to disobey the law unless it be for the interest of the state 452

143. And even then only if the law violates some interest which is *implicitly acknowledged* by the conscience of the community 454

144. It is a further question when the attempt to get a law repealed should be exchanged for active resistance to it . . 455

145. E.g. should a slave be befriended against the law? The slave has as a man certain rights which the state cannot extinguish, and by denying which it forfeits its claim upon him . 457

146. And it may be held that the claim of the slave upon the citizen, as a man, overrides the claim of the state upon him, as a citizen 458

147. Even here, however, the law ought to be obeyed, supposing that its violation tended to bring about general anarchy . 459

I. *Private rights. The right to life and liberty.*

148. There are rights which men have as members of associations, which come to be comprised in the state, but which also exist independently of it 460

149. These are 'private' rights, divided by Stephen into (*a*) personal, (*b*) rights of property, (*c*) rights in private relations 460

150. *All* rights are 'personal'; but as a man's body is the condition of his exercising rights at all, the rights of it may be called 'personal' in a special sense 461

151. The right of 'life and liberty' (better, of 'free life'), being based on capacity for society, belongs *in principle* to man as man, though this is only gradually *recognised* . . 461

152. At first it belongs to man as against other members of his family or tribe, then as against other tribes, then as against other citizens, which in antiquity still implies great limitations 462

PAGE

153. Influences which have helped to break down these limitations are (*a*) Roman equity, (*b*) Stoicism, (*c*) the Christian idea of a universal brotherhood. 463

154. This last is the logical complement of the idea that man as such has a right to life; but the right is only *negatively* recognised in modern Christendom 463

155. It is ignored e.g. in war, nor is much done to enable men to fulfil their capacities as members of humanity . . . 464

156. Four questions as to the relation of the state to the right of man as man to free life. 465

K. *The right of the state over the individual in war.*

157. (1) Has the state a right to override this right in war? It must be admitted that war is *not* 'murder,' either on the part of those who fight or of those who cause the war . . 466

158. Yet it may be a violation of the right of life. It does not prove it not to be so, that (*a*) those who kill do not intend to kill anyone in particular 467

159. Or that (*b*) those who are killed have incurred the risk voluntarily. Even if they have, it does not follow that they had a 'right' to do so 468

160. It may be said that the right to physical life may be overridden by a right arising from the exigencies of moral life 470

161. But this only shifts the blame of war to those who are responsible for those exigencies; it remains a wrong all the same 470

162. But in truth most wars of the last 400 years have *not* been wars for political liberty, but have arisen from dynastic ambition or national vanity 471

163. Admitting, then, that virtue may be called out by war and that it may be a factor in human progress, the destruction of life in it is always a wrong . . . 473

164. 'But if it be admitted that war may do good, may not those who originate it have the credit of this?' 474

165. If they really acted from desire to do good, their share in the wrong is less; but in any case the fact that war was the only means to the good was due to human agency, and was a wrong 474

166. (2) (See sec. 157). Hence it follows that the state, so far as it is true to its principle, cannot have to infringe the rights of man as man by conflicts with other states . . 476

167. It is not because states exist, but because they do not fulfil their functions as states in maintaining and harmonising general rights, that such conflicts are necessary . . 477

PAGE

168. This is equally true of conflicts arising from what are called 'religious' grounds 478
169. Thus no state, as such, is *absolutely* justified in doing a wrong to mankind, though a particular state may be conditionally justified 479
170. It may be objected that such a 'cosmopolitan' view ignores the individuality of states, and could only be realised if they were all absorbed in a universal empire . . . 480
171. It is true that public spirit, to be real, must be national; but the more a nation becomes a true state, the more does it find outlets for its national spirit other than conflicts with other nations 481
172. In fact the identification of patriotism with military aggressiveness is a survival from a time when states in the full sense did not exist 482
173. And our great standing armies are due, not to the development of a system of states, but to circumstances which witness to the shortcomings of that system . . . 482
174. The better the organisation of each state, the greater is the freedom of communication with others, especially in trade, which, beginning in self-interest, may lead to the consciousness of a higher bond 483
175. As compared with individuals, any bonds between nations must be weak; on the other hand, governments have less temptation than individuals to deal unfairly with one another 484

L. *The right of the state to punish.*

176. (3) (See sec. 156). What right has the state to punish? The right to live in a community rests on the capacity to act for the common good, and implies the right to protect such action from interference 486
177. A detailed theory of punishment implies a detailed theory of rights. Here we can only deal with principles . . 486
178. Is punishment *retributive*? Not in the sense that it carries on a supposed 'right' of private vengeance, for no such 'right' can exist 487
179. The most rudimentary 'right' of vengeance implies social recognition and regulation, in early times by the family . 488
180. And its development up to the stage at which the state alone punishes is the development of a principle implied from the first 488
181. 'But if punishment excludes private vengeance, how can it

PAGE

be retributory at all? And how can a wrong *to society* be requited?' 489

182. When a wrong is said to be 'done to society,' it does not mean that a feeling of vindictiveness is excited in the society 489

183. The popular indignation against a great criminal is an expression, not of individual desire for vengeance, but of the demand that the criminal should have his due . . 490

184. And this does not mean an equivalent amount of suffering; nor such suffering as has been found by experience to deter men from the crime 491

185. Punishment, to be *just*, implies (*a*) that the person punished can understand what *right* means, and (*b*) that it is some understood *right* that he has violated 492

186. He will then recognise that the punishment is his own act returning on himself; (it is in a different sense that the physical consequences of immorality are spoken of as a 'punishment') 492

187. Punishment may be said to be *preventive*, if it be remembered (*a*) that *what* it 'prevents' must be the violation of a real right, and (*b*) that the *means by which* it 'prevents' must be really necessary 494

188. Does our criterion of the justice of punishment give any practical help in apportioning it? 495

189. The justice of punishment depends on the justice of the system of rights which it is to maintain 495

190. The idea that 'just' punishment is that which = the crime in amount confuses retribution for the wrong to society with compensation for damages to the individual . . 496

191. 'But why not hold that the pain of the punishment ought to = the moral guilt of the crime?' 497

192. Because the state cannot gauge either the one or the other; and if it could, it would have to punish every case differently 497

193. In truth the state has regard in punishing, not primarily to the individuals concerned, but to the future prevention of the crime by associating terror with it in the general imagination 497

194. The account taken of 'extenuating circumstances' may be similarly explained; i.e. the act done under them requires little terror to prevent it from becoming general . . 498

195. 'But why avoid the simpler explanation, that extenuating circumstances are held to diminish the *moral guilt* of the act?' 500

PAGE

196. Because (*a*) the state cannot ascertain the *degree* of moral guilt involved in a crime; (*b*) if it tries to punish immorality (proper), it will check disinterested moral effort . 500

197. Punishment, however, may be truly held to express the 'moral disapprobation' of society, but it is to the external side of action that the disapprobation is directed . . 501

198. The principle that punishment should be regulated by the importance of the right violated explains the severity with which 'culpable negligence' is punished 503

199. And the punishment of crimes done in drunkenness illustrates the same principle 503

200. It also justifies the distinction between 'criminal' and 'civil' injuries, (which is not a distinction between injuries to individuals and to the community, for no 'right' is violated by injury done to an individual *as such*) 504

201. There would be no reason in associating terror with breaches of a right which the offender either did not know that he was breaking or which he could not help breaking . . 505

202. When such ignorance and inability are culpable, it depends on the seriousness of the wrong or the degree to which the civil suit involves deterrent effects, whether they should be treated as crimes 506

203. Historically, the state has interfered first through the civil process; gradually, as public alarm gets excited, more and more offences come to be treated as crimes . . . 507

204. Punishment must also be *reformatory*, (this being one way of being preventive), i.e. it must regard the rights of the criminal 508

205. Capital punishment is justifiable only (*a*) if it can be shown to be necessary to the maintenance of society, (*b*) if there is reason to suppose the criminal to be permanently incapable of rights. 509

206. Punishment, though *directly* it aims at the maintenance of rights, has indirectly a moral end, because rights are conditions of moral well-being 510

M. *The right of the state to promote morality.*

207. (4) (See sec. 156). The right of free life is coming to be more and more recognised amongst us *negatively*; is it reasonable to do so little *positively* to make its exercise possible? 512

208. First observe that the capacity for free life is a moral capacity, i.e. a capacity for being influenced by a sense of common interest 512
209. This influence will only be weakened by substituting for it that of law, but the state can do more than it usually does without deadening spontaneous action; e.g. 'compulsory education' need not be 'compulsory' except to those who have no spontaneity to be deadened 514
210. So too with interference with 'freedom of contract'; we must consider not only those who are interfered with, but those whose freedom is increased by the interference . . 515

N. *The right of the state in regard to property.*

211. As to property two questions have to be kept distinct, (*a*) how there has come to be property, (*b*) how there has come to be a *right* of property. Each of these again may be treated either historically or metaphysically . . . 517
212. The confusion of these questions and methods has given rise either to truisms or to irrelevant researches as to the nature of property 518
213. Property implies (*a*) appropriation, i.e. an act of will, of a permanent self demanding satisfaction and expression . . 518
214. (*b*) Recognitition of the appropriation by others. This recognition cannot be derived from contract (Grotius), or from a supreme force (Hobbes) 519
215. Locke rightly bases the right of property on the same ground as the right to one's own person; but he does not ask what that ground is 522
216. The ground is the same as that of the right of life, of which property is the instrument, viz. the consciousness of a common interest to which each man recognises every other man as contributing 522
217. Thus the act of appropriation and the recognition of it constitute one act of *will*, as that in which man seeks a good at once common and personal 523
218. The condition of the family or clan, in which e.g. land is held in common, is not the negation, but on the contrary the earliest expression of the right of property . . . 523
219. Its defect lies (*a*) in the limited scope for free moral development which it allows the associates, (*b*) in the limited range of moral relations into which it brings them . . 524
220. But the expansion of the clan into the state has not brought with it a corresponding emancipation of the individual. Is then the existence of a practically propertyless class in modern states a necessity, or an abuse? 525

PAGE

221. In theory, everyone who is capable of living for a common good (whether he actually does so or not) ought to have the means for so doing: these means are property . . 526
222. But does not this theory of property imply freedom of appropriation and disposition, and yet is it not just this freedom which leads to the existence of a propertyless proletariate? 526
223. Property, whether regarded as the appropriation of nature by men of different powers, or as the means required for the fulfilment of different social functions, *must* be unequal 527
224. Freedom of trade, another source of inequality, follows necessarily from the same view of property: freedom of bequest is more open to doubt 528
225. It seems to follow from the general right of a man to provide for his future, and (with certain exceptions) to be likely to secure the best distribution; but it does *not* imply the right of entail. 529
226. Returning to the question raised in sec. 220, observe (*a*) that accumulation by one man does not itself naturally imply deprivation of other men, but rather the contrary . . 530
227. Nor is the prevalence of great capitals and hired labour in itself the cause of the bad condition of so many of the working classes 531
228. The cause is to be found, not in the right of property and accumulation, but (partly at least) in the fact that the land has been originally appropriated by conquest . . . 531
229. Hence (*a*) the present proletariate inherit the traditions of serfdom, and (*b*) under landowning governments land has been appropriated unjustifiably, i.e. in various ways prejudicial to the common interest 532
230. And further the masses crowded through these causes into large towns have till lately had little done to improve their condition 533
231. Whether, if the state did its duty, it would still be advisable to limit bequest of land, is a question which must be differently answered according to circumstances . . . 534
232. The objection to the appropriation by the state of 'unearned increment' is that it is so hard to distinguish between 'earned' and 'unearned' . . . 535

O. *The right of the state in regard to the family.*

233. The rights of husband over wife and father over children are (*a*) like that of property in being rights against all

PAGE

the world, (*b*) unlike it in being rights over *persons*, and therefore reciprocal 536

234. The latter characteristic would be expressed by German writers by saying that both the 'subject' and the 'object' of these rights are persons 537

235. Three questions about them: (1) What makes man capable of family life? (2) How does it come to have rights? (3) What ought the form of those rights to be? . . . 538

236. (1) The family implies the same effort after permanent self-satisfaction as property, together with a permanent interest in a particular woman and her children . . 539

237. The capacity for this interest is essential to anything which can be rightly called family life, whatever lower forms of life may historically have preceded it 539

238. (2) The rights of family life arise from the mutual recognition of this interest by members of the same clan (in which the historical family always appears as an element) 540

239. Its development has been in the direction (*a*) of giving *all* men and women the right to marry, (*b*) of recognising the claims of husband and wife to be *reciprocal*. Both these imply monogamy 541

240. Polygamy excludes many men from marriage and makes the wife practically not a wife, while it also prevents real reciprocity of rights both between husband and wife and between parents and children 541

241. The abolition of slavery is another essential to the development of the true family life, in both the above respects . 542

242. (3) Thus the *right* (as distinct from the *morality*) of family life requires (*a*) monogamy, (*b*) duration through life, (*c*) terminability on the infidelity of husband or wife . . 543

243. Why then should not adultery be treated as a crime? Because (unlike other violations of right) it is generally in the public interest that it should be condoned if the injured person is willing to condone it 544

244. Nor would the higher purposes of marriage be served by making infidelity penal, for they depend on disposition, not on outward acts or forbearances 546

245. All that the state can do, therefore, is to make divorce for adultery easy, and to make marriage as serious a matter as possible 547

246. (*b*) Should divorce be allowed except for adultery? Sometimes for lunacy or cruelty, but not for incompatibility, the object of the state being to make marriage a 'consortium omnis vitæ' 547

P. *Rights and virtues.*

PAGE

247. Outline of remaining lectures, on (1) rights connected with the functions of government, (2) social virtues. (The antithesis of 'social' and 'self-regarding' is false) . . 550

248. Virtues, being dispositions to exercise rights, are best co-ordinated with rights. Thus to the right of life correspond those virtues which maintain life against nature, force, and animal passion 550

249. Similarly there are active virtues, corresponding to the negative obligations imposed by property and marriage . 551

250. 'Moral sentiments' should be classified with the virtues, of which they are weaker forms 552

251. Although for clearness *obligations* must be treated apart from *moral duties*, they are really the outer and inner side of one spiritual development, in the joint result of which the idea of perfection is fulfilled 552

LECTURES ON THE PHILOSOPHY OF KANT.

I. THE 'CRITIQUE OF PURE REASON.'

Note of the Editor.

The following lectures on Kant's *Critique of Pure Reason* were not all composed at the same time. A, B, F, G are extracts from a continuous course which was delivered more than once when Green was a tutor at Balliol College. They were written after the publication of the *Introductions to Hume* (1874), but not long after, as they are referred to in lectures on logic delivered in 1874–1875. C, D, E, H, I seem to have been later additions or supplements to the previous course, to which they sometimes refer as 'old.' They were all apparently used, in whole or in part, for lectures delivered in Balliol College in 1875–1876. References show that at the time of their composition the articles on H. Spencer were already written, though the first of these was not published until December 1877.

The lectures are here arranged in the order of the parts of the *Critique* to which they chiefly relate. The nature of the materials from which they are taken made some repetitions unavoidable; and the abruptness of the transitions, and the occasional variation of view which they exhibit, are due to the same cause.

The references are to the pages in Hartenstein's edition of Kant's works, vol. iv. The translations referred to are those of J. M. D. Meiklejohn and (in C) J. P. Mahaffy.

I. THE 'CRITIQUE OF PURE REASON.'

A. *KANT'S PROBLEM, AND THE RELATION OF THE STATEMENT OF IT TO THE PHILOSOPHIES OF LOCKE AND HUME.*

1. KANT'S speculation is governed by three leading notions: (*a*) that of an 'object affecting the senses' and 'mind,' as independent existences, each contributing so much to knowledge; (*how* much, has to be settled); (*b*) that the 'universality and necessity' of a judgment are tests of a judgment being the work of mind, not the representation of an 'affection of the senses'; (*c*) that judgments may be divided, as into two mutually exclusive classes, into such as 'merely analyse a subject-conception into its constituent conceptions, which were already thought in it, though in a confused manner,' and such as 'add to it some attribute that lies completely out of it,' of which classes the latter only represent an 'augmentation' of knowledge; and that therefore judgments which represent not only the work of 'reason,' but its work as contributing to knowledge, must be 'synthetical,' not 'analytical.'

These notions of Kant come to him through Locke and Hume. His 'objects affecting the senses' correspond to Locke's 'substances that operate on us whether we will or no'; his 'empirical knowledge and judgments' to Locke's 'knowledge' or 'propositions concerning substances or co-existence'; his distinction of 'synthetical' and 'analytical' to Locke's distinction of 'instructive' and 'trifling' propositions.

2. The way in which Kant arrives at his conclusions about *a priori* knowledge is best understood by considering

the difficulty into which Locke got with regard to mathematics and physical science by starting with the notion that all knowledge is the result of 'substances operating' on the blank tablet of the mind. 'General certainty is never to be found but in our ideas.' The correlative of this is that the 'science of nature is impossible.'[1] Locke comes to this conclusion as follows: 'The operation of a substance upon us' is an event in the way of feeling, a simple idea which can only be represented by a singular proposition: 'This rose is red,' &c. We may retain these events in memory, and put together the simple ideas into complex ones, represented by common nouns. These common nouns again may be made subjects of universal propositions, but such propositions are either compendia of a number of past events (once and again and again I have found gold soluble in *aqua regia*), and are thus not properly universal, or, if properly universal, they relate merely to 'a nominal essence,' are analyses of the meaning of a name.

Thus all 'propositions concerning substances,' it would seem, must be either 'trifling' or singular. In fact, however, in speaking of a proposition as 'concerning a substance,' we imply that it is not 'trifling,' not analytical of the meaning of a name. Such a proposition as 'all gold is soluble in *aqua regia*' implies (as Kant would say) the synthesis of solubility with a conception of gold which does not already include it. But thus understood—as 'instructive' or synthetical—it has not the certainty which would belong to it if it were 'trifling' or analytical, 'since we can never, from the consideration of the ideas themselves, with certainty affirm' their coexistence.[2]

Thus all propositions concerning substances (as = synthetical propositions derived from experience), if general, can only be problematical.

What is the distinction between the relation of ideas expressed by mathematical propositions and the coexistence of properties (also a relation of ideas) expressed by 'all gold is soluble in *aqua regia*'? Locke's answer is that the ideas, of which the relation is expressed by the latter proposition, are 'ectypes' of an 'archetype.' There is a thing which

[1] Locke, *Essay on Human Understanding*, Book IV. chap. vi. sec. 16, and Book IV. chap. xii. sec. 10.

[2] Locke, *loc. cit.* Book IV. chap. vi. sec. 9, and cf. *General Introduction to Hume*, § 122, vol. i. p. 103.

produces certain ideas in us, and the proposition in question professes to state a relation between ideas as products of such a thing; it expresses that there is uniform connection in a thing of that which the idea of solubility represents, and that which malleability &c. represent. And this is what we cannot know. We can only know that *now* or *then* the one idea has been produced along with the other. In mathematics, however, there is no 'archetype' in question. Our mathematical ideas are themselves originals, and therefore a relation between them that obtains once obtains necessarily always.[1]

First, then, we have the question how a mind, either merely passive or active only in the way of compounding and abstracting, can originate 'instructive propositions.'

Next, the question how these propositions can be *really* true, if reality consists in what the mind passively receives, in distinction from what it does for itself.

Next, these propositions, which are really and universally true because they represent relations of ideas which have no archetypes other than themselves, are propositions about number and magnitude; i.e. about 'primary qualities of body,' of which it is the *differentia* according to Locke, that, though our perceptions are copies of them, yet they are in things quite independently of our ideas of them ('whether there is a mind to perceive them or no.'

Thus accepting the antithesis (which Kant retains from Locke) between what the object or thing gives and what the mind does for itself, Locke himself, in order to explain the nature of mathematical truths, has against himself to admit that they represent the original workmanship of mind. The antithesis itself, however, labours under great difficulties in Locke. All relations are the 'workmanship of mind.' (This is a necessary admission because no relation is a simple idea, an event in the way of feeling.) But remove relations, and what is left of the object? 'Something which causes our feelings.' But its causation of our feelings is a relation. '*Something* merely.' But this 'something' represents the abstraction of difference, difference of which you cannot say in what it consists.

3. Hume's problem is to render the doctrine of the mind's mere passivity consistent with itself by getting rid

[1] See *General Introduction to Hume*, §§ 116, 117, vol. i. pp. 95–97.

of the relations which the mind constitutes, in particular mathematical relations, and those of cause and substance (the unity of successive appearances in an identical thing). These are to be reduced either to the succession of one feeling on another, or to habitual propensities produced by the repetition of such succession.

There is no idea not copied from an impression, i.e. from a feeling which carries with it no reference to anything other than itself. The distinction between mind and thing disappears in succession of feeling. Thus Locke's distinction of mathematical relations, as relations of ideas in the mind, from the coexistence of sensible qualities in a substance, cannot be maintained. The 'idea of space' is a copy of the impression of space, and the impression of space is merely a compound of other simple feelings which come to us like any other feelings, we know not how or why.[1] I will not criticise this account at present. The point is to see how in Hume's judgment it affects the universality of mathematical truths.[2] According to him, when the mathematician talks of certain angles as always equal, of certain lines as never meeting, he is either making statements that are untrue or speaking of nonentities, of which he has a tendency to suppose the existence. But this 'tendency to suppose' is merely a way of saving appearances. If that which is 'supposed' is neither impression nor idea, it is nothing.

Thus with Hume there are no synthetical propositions in geometry that are universally true. He admits, however, that such propositions are possible with regard to number;[3] and this corresponds to his virtual admission that ideas of number are not copied from impressions.[4]

4. The notion that the object, given independently of thought, contributes so much to knowledge, viz. sensations, and that the subject on its side adds so much of its own, viz. relations or forms, is the basis of the doctrine that you can divide truths into such as are particular and contingent on the one side, and such as are universal and necessary on the other.

Against this it is to be maintained that without thought there is no object; that feelings derive only from relation to thought that character in virtue of which we oppose them

[1] *General Introduction to Hume*, vol. i. pp. 202 and 203.
[2] *Ib.* p. 231, ff.
[3] *Ib.* p. 234.
[4] *Ib.* p. 223.

to thought; that thus it is as impossible to divide knowledge into elements, one contributed by feeling, the other by thought, as to analyse the life of an animal into so much resulting from the action of the lungs, so much from the action of the heart; and accordingly equally impossible to divide judgments into empirical and *a priori*. If 'experience' means mere succession of feelings, then it yields no judgments at all, particular ones as little as universal. If it means 'experience of objects'—such as can alone yield even singular propositions—then there is no ground for dividing truths into 'contingent,' derived from experience, and 'necessary,' not so derived.

There are two ways of understanding 'object.' 'Object' means either 'a permanent possibility of sensation,' and a particular object a permanent possibility of a certain set of sensations, or it means a 'thing in itself.' 'A permanent possibility of sensation' is not actually any sensation. No succession of feelings, apart from reference to a subject present to the succession but not in it, and determining the succession by distinction from itself, could be, or give the notion of, such possibility. Thus it is only through relation to a self-conscious subject that feelings are related to an 'object' in the above sense. Further, only as related to such an object, and thus becoming coexistent qualities instead of a mere succession of which one has ceased before the next begins, have feelings any character, anything that can be represented by a proposition.

Thus the singular judgment, as the determination of an object by a certain relation, or the reference of feeling as an attribute to an object, is already the 'work of thought.'

'Gold is soluble in *aqua regia*' is supposed to be a contingent truth; i.e. to represent certain events in the way of feeling, on the continued recurrence of which its truth is contingent. In fact, however, the scientific man does not treat it as contingent in this sense at all. He goes on the principle that whatever is really thus soluble in a single instance is so always, and accordingly, if he found a case where it seemed not soluble, he would decide, not that what had really happened in the previous case had ceased to happen, but that the conditions were different.

In other words, he regards the singular proposition, 'this gold is being solved,' as representing a universal law,

and thus as a proposition which might be immediately converted into a universal proposition, if all the properties of gold and *aqua regia* were known and it were agreed to call nothing gold or *aqua regia* which had not them.

It is true, then, that experience constitutes universal judgments, but it does so just because the experience which constitutes singular judgments is already more than the occurrence of a feeling; because it is an experience of an object regarded as always remaining the same under the same conditions. The modern logician is quite entitled to say (as against Kant) that experience can yield universal synthetical propositions, but not entitled at the same time to retain Locke's view of a singular proposition, viz. that it represents *merely* a sensible event or feeling.

B. *THE 'FORMS OF PERCEPTION' ('INTUITION').*

5. Two inconsistent notions struggle with each other in Kant.

(*a*) The notion of ordinary logic, that 'things' or 'objects' are given independently of thought, but having certain relations to our 'sensory' which = sensible qualities; that thought proceeds to detach these from each other and from 'circumstances of time and place,' as abstract ideas or conceptions, through which (represented by a common noun) henceforth it is 'mediately related to the object.' Meanwhile the 'thing in itself' (or, as Locke said, the 'thing in its real essence' as distinguished from the 'nominal essence') remains wholly unknown. It produces appearances from which we abstract a notion of it, but these, being all conditioned by the subject, tell us nothing of the real nature of the thing. When I experience a sensation, I can judge certainly 'the thing is now affecting me,' but what is retained in the mind as the result of the affection and put together with other like results into a *conception of the thing*, is not a quality that belongs to the thing; it does not enable me to assert anything really true of the thing.

From this notion arises (1) his antithesis of analytical and synthetical propositions. A proposition, to be instructive or convey information about matter of fact, must relate to a real object, as opposed to a conception. (2) In like manner (unless its universality can be explained on some other ground) it can only be particular and contingent, because the 'thing in itself,' some effect of which it represents, may be pleased to produce another effect at another time. (In truth, the antithesis will not hold, for if we remove from the instructive proposition that content of its subject or predicate which is merely *conceived*, no meaning is left.)

(*b*) On the other hand, there is in Kant the notion that

the object first beeomes an object through a certain action of the mind upon a 'matter' given in sensation, and a *real* object through imposition on this matter of 'forms of intuition.' Form of intuition being the condition of reality, truths relating to it will be 'instructive.' They will have that privilege, supposed in the other theory to belong to truth concerning *real objects*, without the drawback of being merely contingent.

Admitting this notion, the question naturally arises, (1) what meaning there is in talking any longer of a 'thing in itself' at all, when the 'object,' which according to (*a*) was a 'thing in itself,' has turned out not to be independent of mind; (2) whether there is any such distinction between 'intuition' and 'conception' as can take the place (which Kant seems to give it) of the distinction between what is real and what is of the mind, implied in notion (*a*).

6. It is quite true that space and time are not 'relations of objects' as opposed to ideas, of which afterwards by abstraction there come to be ideas (conceptions). They are themselves 'ideas,' which are the condition of there being any phænomenal object whose qualities may be abstracted, the condition of mere feeling becoming a felt thing. But just for this reason, though *ideas*, they are relations of objects; and we are confusedly conscious of the object as conditioned by these relations before we think separately of these conditions themselves.

It is commonly thought (*a*) that to admit space and time to be relations of objects (real things) is incompatible with their being in any sense ideas (though there may be ideas *of* them), and (*b*) that to admit that we, as learning individuals, have ideas of successive objects, and objects outside each other, before we have ideas of space and time as such, is incompatible with the *a priori* character of the latter ideas.

But why should 'relations of objects' not be ideas? We fancy that they cannot because our notion of an idea is just that it is *not* a reality: it is determined simply as the negation of a thing. This opposition arises from the fact that our ideas change through the operation of an experience which we do not make. But this fact need not imply that there is any reality other than ideas, but only that ideas are communicated to us gradually: and when we reflect that our existing ideas at any time qualify all new experience

(which only derives meaning from relation to them), it will appear that the progressive character of our knowledge is better explained as a revelation of the actually existing ideas through which possibilities of them in us are gradually actualised, than as the result of an operation of things, which are not ideas, on us. Our experience then does not require the supposition of such 'things,' and after all, what are they? They are either subjects of the qualities which make up our experience, or 'things in themselves.' Now the 'qualities which make up our experience' mean relations between feelings constituted by the presence to the feelings of a self-conscious subject. 'Things,' then, the supposed opposite of a thinking consciousness, if they are the 'subjects of the qualities which make up our experience,' are determined by, are what they are in virtue of, a thinking consciousness. Nor less is the 'thing in itself' determined by our thinking consciousness, though determined as its negation. If, then, the opposition between idea and reality will not hold good, the meaning which we seem to derive for 'idea' from this opposition turns out to be none at all. What then is an 'idea'? It is a community between objects, which is at the same time their difference, a community constituted by the presence of a single self-conscious subject to the manifold of feeling. In this sense, space and time are at once 'ideas' and 'relations of real things.' Their characteristics as relations are (1) primariness, from which it arises that whatever is true about them is so unconditionally; (2) simplicity, from which follows the ease of ascertaining precisely what is true of figures. If we could ascertain any truth about (say) the relations of chemical substances in the same exact and unconditional way, it would be equally necessary.

7. This primariness or *a priori* character of the ideas which constitute space and time is not to be understood as priority in time, as if we had the idea of mere space before any other ideas. There is no experience of space apart from colour and tangibility, nor do we present mere space to ourselves before such experience. The primariness of the idea means that it is the condition, without which no feelings would become outward things, so that all other conditions of 'phænomena' may be supposed absent, but not that. Hence it is that we can present to ourselves things as having

no other properties but what arise from this relation; i.e. as spaces and nothing else, as *mere* spaces. In this lies the explanation of Kant's distinction between the idea of space as an *intuition* and other ideas as *conceptions*. The objects of which space is predicable are parts of space, and there is no more or less in one space than in another, or in any part of space than in space in general. (This, however, is only true of *pure* space.)[1] In other words, space is space just the same, irrespectively of what it contains, and space is a *quantum*, of which, as of every other *quantum*, it is true that each of its parts is also a *quantum*, i.e. that it is infinitely divisible. This is because from the primariness of the relation of outsideness we can present to ourselves objects as determined by it, and by no other, (i.e. as mere spaces), and can put these together as a *quantum* of which all the parts are homogeneous with each other and the whole.

8. We have here undoubtedly a peculiarity in the 'idea' in which consists the relation of space. The objects between which subsist the relations expressed by chemical affinity cannot be regarded as qualified no otherwise than by those relations; for the relations, so soon as you think of them, branch out into others, complex as the universe. For that reason 'humanity' cannot be presented as a *quantum*, of which the individuals related in the way of humanity are parts. But is this difference any reason for questioning that space and chemical affinity are alike conceived relations, not relations that first exist and then are conceived, but relations constituted by the presence of a single self-conscious subject to the manifold of feeling?

'Intuition' with Kant is the presentation of a real individual object ('real' as phænomenon). 'Conception' is the thought of an attribute or attributes possessed by such an object. To all knowledge (to all judgment representing knowledge) 'intuition' is necessary, though not to a mere logical or analytical judgment, which unfolds the content of a conception.

[1] 'Is there,' it may be asked, '*really* such a thing as pure space?' Not if *really* means 'für sich bestehend'; there is nothing 'für sich bestehend' but thought itself. There actually is such a relation as that of the limit or externality, and the nature of this relation does not depend on any other relations. It may therefore be considered separately and presented as an object, about which judgments may be formed which will at once be true and will relate to matters of fact.

The idea of space is the presentation of a real individual object: the idea of humanity is not. The question then is, what beyond relations is expressed by 'object,' 'individual,' and 'real'? 'Object' expresses a relation to consciousness, a relation in which each of the constituents of the relation is determined by opposition to the other. 'Individuality' represents distinctness of an object from all others, a distinctness constituted by the complex of its relations, or, if it merely be separateness in space and time, still by relations. 'Real' represents the identification of the object, here and now given, with previous presentations. (I seem to see a horse: is it a real horse or a delusion? i.e. are the relations of the object now before me the same as those in virtue of which I have denominated objects previously presented as 'horse'?) If we choose to mean by conception the fixing under a name of some particular relation or relations apart from others, then doubtless the distinction is valid between it and real individual things; not, however, as a distinction between relations constituted by thought and anything other than they, but as one between an isolated set of relations which we first learn to know and those with which the progressive communication of thought to us is gradually making us acquainted.

C. *THE 'DEDUCTION OF THE CATEGORIES' IN THE FIRST EDITION OF THE 'CRITIQUE.'*

[*Krit. d. r. V.* pp. 565–585.[1]]

9. THE 'transcendental deduction of conceptions' = the 'explanation of the manner in which conceptions can relate *a priori* to objects.'

But why assume that there are such conceptions? why not suppose that all conceptions are derived from objects *a posteriori* by experience, through abstraction and generalisation?

Kant's answer would be that there are certain conceptions which are necessary in order to render objects of experience (objects as connected in a world of consciousness) possible, which therefore cannot be derived from them. His views on this point are the first thing we have to consider. We shall then come to his 'deduction' in the sense explained above. Characteristic of this is his view that conceptions could not 'relate *a priori* to objects,' if the objects were 'things in themselves.' It may be asked, indeed, how, if pure conceptions are necessary to render objects of experience possible, any question can be raised as to the possibility of their relating to objects. Kant, however, speaks of 'objects' in two different ways. Objects which pure conceptions render possible are objects as connected in the 'cosmos of experience.' Objects, as to which he asks how pure conceptions can relate to them *a priori*, are objects as not yet connected in such a cosmos. In his language they are objects of intuition. If these were 'things in themselves,' i.e. other than our representations, pure conceptions (being of subjective origin) could not relate to them. In fact, they are affections of our sensibility, produced indeed (such is Kant's view) by 'things

[1] [The translation referred to in this section is that in J. P. Mahaffy's *Kant's Critical Philosophy for English Readers*, vol. iii.]

in themselves' of which we know nothing, but determined by *a priori* forms of our sensibility, space and time. It is because objects of intuition are of such a sort—determinations of the affections of our sensibility by the subjective forms of space and time—that pure conceptions can relate to them *a priori*, and out of them construct the connected whole of our experience.

10. Let us now return to the first question, What ground is there for holding that there are 'pure conceptions which relate *a priori* to objects'? Kant's doctrine generally seems a laborious effort to meet a difficulty which does not exist, because it is understood as dealing merely with our conceptions of certain relations, not with those relations themselves. Now the essence of Kant's doctrine is that it deals with the relations themselves. Our experience consists of related phenomena, i.e. related feelings. His question is, How comes it that feelings thus form an inter-related whole? and it is not met by a doctrine which, taking the relations for granted, traces the process by which we become certain that the propositions which represent them are universally true. Kant's point is that only the act or process of conception constitutes these relations, and that it is preposterous to derive such conception from the experience which, by thus constituting uniform relations, it renders possible. A Kantian may fairly be called on to explain how it is that the conceptions, which have been necessary in order to constitute the relations of which we have experience, only come into distinct consciousness after a long course of experience; but a theory as to the origin of certain relations is not answered by one which takes them for granted.

To take a particular instance. All 'psychological' accounts of the origin of the conception of cause presuppose relations of identity, change, and succession. The simplest form of experience which is supposed to suggest the conception is somewhat as follows:—an object, supposed to retain its identity, to be the same as when we had previous experience of it, is yet found to have undergone a change, to appear different in some respect from what it did before. This excites surprise, and suggests inquiry how the change comes about. It is observed to occur uniformly in succession upon some other appearance, and thus we associate the two appearances in our mind as cause and effect.

What is implied in there being, how comes it about that there are, these relations of succession, change, and identity as relations between phænomena, or for consciousness? that the experience of mankind forms a connected whole in which variations have to be explained as consistent with the uniformity of the whole?

Events, unrelated, could not be a succession. The possibility of a succession implies something other than the things which succeed. In order to their being related even in the way of sequence, there must be some unit, other than the events, and not passing with them, through relation to which they are related to each other: *a*, *b*, *c* are points in succession; *a* is over when *b* begins, otherwise they are not successive. There must be something else, then, for which *a* is not over when *b* begins—for which it is still present—in order that the two may be related to each other as present to past.

11. Need this unit, through relation to which events are related to each other, be conscious? Granted that any succession implies a relatively permanent something through successive relation to which events are successive upon each other, need this be other than a prolonged event, e.g. an organic body, which is the subject of perpetual changes, continuing throughout them, and yet itself passes away; which is thus permanent relatively to the events which take place in it without disintegration of the organism, but not absolutely so? The answer is, that just so far as it is not absolutely so, something else is implied; that is, some unit through common relation to which the organism and other events before and after it are related in the way of succession. Still, must the ultimate unit be conscious? may it not be an unchangeable matter, a sum of atoms which remains the same through all the changes of their distribution which constitute the history of the universe?

The answer is that, if you suppose an ultimate unconscious unit, you still require a further conscious unit to correlate the *un*conscious unit with the manifold events which, through relation to it, are related to each other.

We speak, it is true, of unconscious agents, forces, combining manifold materials. Such combination, however, has nothing in common with the constitution of a relation between events. The agent or force, to which combining

power is ascribed, is really a name for the relation between certain events, or for the conditions under which one follows another, e.g. one combination of chemical elements takes the place of another. An agent or force, thus reducible to some mode of relation of events to events, is quite different from that which is required to render such relation possible. All nature may be said to consist in the action of the unconscious upon the unconscious, but the unconsciousness of the factors to a relation must not be confused with unconsciousness on the part of the correlating unit. In calling the relation a 'phænomenon' we have said that it is for consciousness that it exists, and—not to argue from a term which people use without much meaning—what is that which retains a plurality in its plurality, and yet unifies it through relation, but consciousness? We know consciousness as that to which the past is yet present, and present as past; in which a manifold is united in one experience without ceasing to be manifold. Why seek another source of relation for the cosmos when we have that which suffices for the work? Why seek it in 'unconscious matter,' which after all means nothing but the bare negation of that which alone we know of as serving the purpose for which this 'unconscious matter' is assumed?

12. So much by way of preliminary. Now let us consider in detail Kant's account of that unity of consciousness which is also the unity of the world.

In the simplest knowledge of an object there is involved a threefold synthesis, that of apprehension, that of imagination, that of recognition.

'Every intuition contains in itself a multiplicity, which nevertheless would not be represented as such, if the mind did not distinguish *time* in the sequence of impressions one upon another; for, so far *as it is contained in a single instant*, no representation could ever be anything but an absolute unity.'[1]

The intuition, this or that individual object as presented here and now, 'contains multiplicity,' i.e. is made up of parts. The intuited *object* really does so, but intuition is a single act, *not* multiplex. How then is the intuited object, as the representation of the object of consciousness, manifold? 'Because we distinguish time in the sequence of

[1] P. 567, *Tr.* p. 194.

impressions.' I.e. (if I understand) because the object is given to us through successive acts of attention. The data of these several acts we then hold together, without fusion with each other, as parts of one whole.

Feelings may follow upon each other, but only in relation to a subject equally present to each—for which each is not over when the other begins—do they form a succession or is there a distinction of time between them. It is the synthetic act of this subject which renders certain sequent impressions a manifold in one, an individual or 'intuited' object having variety of parts or qualities.[1]

'Intuition'=perceived object. This has become a manifold *for consciousness* or been *represented* as manifold because of the multiplicity of times in which it is attended to. This multiplicity is at once 'run through and grasped together,' and there thus results a many-in-one, a complex object. A complex object having been thus constituted for consciousness, a 'representation contained in a single instant' suffices to recall it.

In the last clause of the paragraph 'intuition' seems to be used as equivalent to attention, or rather to the several data of successive acts of attention upon which the 'synthesis of apprehension is directed.' These are many, but only form *a manifold in one representation* in virtue of the operation of a synthetic principle in and with successive acts of attention.

13. Hereupon arise certain questions. (1) What is the 'intuition' (=perceived object) in itself, which is said to contain a multiplicity, as distinct from the representation of that multiplicity? Like every object it is the possibility of certain perceptions occurring in a certain connection. It contains multiplicity in itself, only as the possibility of certain experiences on our part; the *reality* is those experiences, as connected. An 'intuition' or individual thing is really nothing apart from these, i.e. it is really nothing save as constituted by the synthetic act described. (2) Why speak as if the multiplicity of the intuition as represented was merely a multiplicity of times (arising from 'the distinction of time in the sequence of impressions')? As we have seen, there would be no multiplicity in representation but for the *data*

[1] This will become clearer if we consider the matter without the use of Kant's technical language. See vol. i. p. 414; *Mr. Spencer on the Independence of Matter*, sec. 37.

of successive acts of attention and the synthesis of these, but these are not merely times, though given in successive times; if they were, the intuited or perceived object would be time. Kant, however, wants to show that there is a synthesis of apprehension which is quite 'pure.' Apparently it is not enough for him that it should be 'pure' in the sense that an agent other than feeling is necessary to constitute it according to the process which we have described; necessary, (*a*) as distinguishing feeling from itself in the act of attending to it, (*b*) as holding the data of successive acts of attention together in virtue of equal presence to each. He requires a synthesis which is 'pure' in the sense of constituting an object out of the pure forms of sensibility, a synthesis exercised by understanding upon material consisting of mere distinctions of time and space. These distinctions='the manifold, which sensibility offers in its *original* receptivity.'[1]

Feelings, through the action of the unity of the understanding upon them, are related in the way of succession; they occur in manifold times which (in virtue of the same unity) are held together as one object, a time made up of homogeneous parts or times. Such a representation of time, according to Kant, though constituted by the unity of understanding, is not a conception but an intuition. He confines the term conception to the thought of attributes or relations common to several individual objects, as opposed to the representation of individual objects, of which we say 'this' or 'that.' But of time we can say 'this' or 'that,' and whereas of 'horse in general' or 'horse as conceived' we cannot say all that we can say of this or that horse, of 'time in general' we can say just the same as of this or that time. Time, then, is an intuition, not a conception. That unity of a manifold which constitutes time is not a unity abstracted from many intuited objects, but is a unity necessary to constitute this or that time, and thus belongs to time as an object, not to our abstract conception of it.

According to Kant, the action of the unity of the under-

[1] *Sensibility*, according to Kant's usage, does not equal sensation, but *perception*. *Original* receptivity seems here to be used for what he elsewhere calls the *form*, as opposed to the *matter*, of sensation, viz. 'that which effects that the content of the phenomenon can be arranged under certain relations' (*Trans. Æsth.* sec. 1); that which makes the difference between sensation and perception. For his view of the way in which 'formal intuitions' are constructed out of pure 'forms of intuition' see *Krit. d. r. V.*, p. 132, *note*; p. 98, *Tr.*

standing upon the manifold given in the *outer* sense yields the pure intuition of space in the same way as its action upon the manifold given in the *inner* sense yields the intuition of time. The representation of space is not a conception, because of space in general everything can be said which can be said of *this* or *that* space.

The question of the distinction between *outer* and *inner* is a great difficulty, which must be postponed.[1] The great point to bear in mind for the present is that the unity of understanding is just as necessary in order to yield the representation of a manifold as to unify that manifold, because in order to the representation of a manifold not only must successive feelings occur, but some synthetic subject must carry the fact that the first feeling has occurred on with it to the second and third, and so on. Synthesis of apprehension, then, is that which is necessary to constitute any perception of an object,[2] of *this* or *that*, since the object of perception always is individual.

Such synthesis, even in the case of 'empirical intuition,' must contain a 'pure element,' the correlating principle, but Kant does not call it 'pure' except when excercised upon pure forms of sensibility (i.e. the conditions of distinctness in space under which the data of outer sense, of distinctness in time under which the data of inner sense, are presented to us), and so constituting a 'formal intuition' of this or that space, this or that time, or of pure space and pure time.

14. The 'synthesis of apprehension' involves that of 'reproduction.' The qualities which we combine in one object of perception are really relations to *past* sensations (relations not being themselves past), and the synthesis of apprehension would be impossible unless we could recall experiences in which these relations were given. There must, moreover, have been some 'rule' according to which these experiences were connected together. Otherwise, though we might have

[1] [See below, § 55, ff.]

[2] It is a matter of indifference whether you say *perception of object* or *perceived object*, for it is the synthesis implied in successive perceptions and the synthesis of these syntheses that constitutes the object. The object *in itself* must mean either the abstraction of the possibility of these, or the 'thing in itself' as the unknown cause of these sensations, relations between which are objects of perception. This 'thing in itself' Kant regarded as 'rendering nature possible on the material side,' just as 'unity of apperception' renders it possible 'on the formal side.' (*Prolegomena zu einer jeden künftigen Metaphysik*, sec. 36.) The question is whether it is really more than the abstraction just mentioned of the possibility of experience, as distinct from its reality.

the power of recalling them, there would be nothing to make us recall any particular series of them, on occasion of a present sensation, as representing qualities of the same sensible thing which the sensation represents. This 'rule' we might suppose to lie in some 'thing in itself,' if that which it connects were anything else than phænomena. As it is, it must belong to the same consciousness to which phænomena belong. Thus Kant calls it the 'transcendental unity of imagination.'

It is not enough to say that I recall *a* and *b* on the recurrence of *c* because I have constantly had experience of *a* and *b* as immediately preceding *c*. The question is, how upon the first sequence of *a*, *b*, and *c* I was able to carry on the experience of *a* and *b* into the experience of *c* so as to connect them in one experience. It must have been in virtue of 'an *a priori* ground of necessary synthetic unity,' a 'synthesis of representation' not 'empirical,' i.e. not gradually resulting from experience, but 'transcendental,' i.e. which renders experience possible. And this synthetic principle, which originally determined the connection of certain successive experiences with each other, is really the 'rule' which on the recurrence of one of these experiences determines the recurrence, the representation, of the rest in a necessary order (so that if the order of original experiences has been *a b*, *c*, *d*, on the recurrence of *d*, *a* could only be recalled through *c* and *b*). If we ask what this '*a priori* ground' is, we shall find (though he does not say so here) that according to Kant it is just the one subject present to all experiences.

At first it strikes us as a superfluous question to ask how it is that, on the occasion of a certain experience in the way of feeling, other experiences are recalled in a determinate order. It seems enough to say that it is because they have constantly occurred in this order. 'But how has this order been possible?' 'This is a still more superfluous question. It is an order determined by nature.' 'Just so, but what is nature?' If nature=a 'thing in itself,' the unknown opposite of our representations or consciousness, it does not explain what has to be explained, which is just a law of consciousness, viz. how our representations are woven together into one order; how it is that not only feelings *a*, *b*, *c*, *d* come one after the other, but that the experience of *a*

(the consciousness that *a* has occurred) is carried on as a determinant of *b*, that of *a* and *b* having occurred as a determinant of *c*, and so on, so that there results a definite series in consciousness which can only be recalled in that precise order. What we really mean by nature, however, is not a 'thing in itself,' but just this determinate order of phænomena or consciousness. To say, then, that such order is possible because it is the order of nature, is to say nothing. At any rate it is more to the purpose to point out, as Kant does, the condition of its possibility in the presence to all feelings of an identical subject, to which that which is no longer present as a feeling remains as the known fact that a feeling has occurred.

Thus Kant's doctrine does not at all conflict with the psychology of association on the proper ground of that psychology. It is dealing with a previous question which that psychology either does not answer at all or answers by a tautology, the question how we are to explain that original connected consciousness, that first orderly experience of phænomena, which must have come into existence before it can be recalled in modes which the theory of association investigates; the question, what are the conditions of its possibility.

15. In order to the experience of an object—to any perception, in fact, as we commonly understand it—more than synthesis of 'intuition,' as including that of 'reproduction,' is required, viz. synthesis of 'recognition.'

Is synthesis of 'intuition' any more possible according to Kant's view without that of 'recognition' than it is without that of 'reproduction'?

On the one hand he constantly opposes 'intuition,' as that in which objects are given, to 'conception,' which takes them as given, and 'synthesis of recognition' he identifies with the act of conception.

On the other hand it appears from the account of 'synthesis of recognition' that without it 'intuition' would not be intuition of an object at all. The conclusion from this account would be that though 'synthesis of intuition,' as the unification of a manifold resulting from successive acts of attention, might yield a mental image containing a multiplicity of parts, this image would not, without synthesis of recognition (act of conception), become an object which, on presentation of a like image, might be recognised as the same.

But if so, how can 'intuition' be said to give an object at all? We may try to make out that Kant speaks of 'object' in two senses: (1) as an object presented here and now, which is said to be 'intuited'; (2) as an object connected, through the act of conception, with other objects in one system of experience. These two senses, however, are not really distinguishable, because the 'here and now' imply 'connection with other objects in one system of experience.' As *individual*, Kant reckons an object one of intuition, as *related*, one of conception; but relations constitute individuality. The truth is that Kant's treatise is throughout perplexed by his habit of accepting provisionally distinctions which it is the result of his work to invalidate. Thus he accepts that between intuition and conception. In the 'Æsthetic' he speaks as if sensibility, in virtue of its pure forms, sufficed to yield intuitions of space and time. In the 'Analytic'[1] he expressly points out that 'unity of understanding' is needed to constitute such intuitions, though he still seems to insist that they are intuitions, not conceptions. At the beginning of the sections on the 'synthesis of recognition' he distinctly calls this at once a process of conception and a necessary condition of the knowledge of objects; so that we must either say that the 'formal intuitions of space and time' are not, as such, known objects, or that he contradicts himself in opposing them to conceptions.

16. The ordinary account of perception is that a present sensation recalls sundry possibilities of sensation, which are referred to the same object as that to which the present sensation is referred. This implies that the present sensation is *identified* with one of which we have previously had experience in relation of antecedence, sequence, or simultaneity to these sensations which we recall as possible; and again that the latter, on their occurrence, have been *identified* in a similar way. The question, 'How is such identification possible?' is that which Kant deals with in his account of the synthesis of recognition.[2]

[1] Pp. 131–132; p. 98, *Tr.*

[2] Such *identification* of a feeling is quite different from the mere reproduction of it in a fainter form. It is not, indeed, strictly speaking, the *feeling* which is identified with past *feelings* at all, but the observed fact that a certain feeling is being felt which is identified with the facts of the previous occurrence of such feeling. The degree to which recollection of these facts is accompanied by anything like reproduction of the past feelings, by the nervous modification implied in such reproduction, varies indefinitely without affecting the recollection. Probably there

'Without the consciousness that what we now think is identical with what we thought a moment ago, all reproduction in the series of representations would be useless';[1] i.e. unless the present experience were connected with that of a moment ago as related to the same object or as a change of the same subject; just as in counting, at each step units already traversed are carried on with him by the person counting to the next. Such connection is the identification of the fact of present sensation with the facts of past sensation spoken of above. It is the condition alike of the simplest judgment '*this* is what *that* was,' 'this is what I felt just now,' and of the scientific conception of nature as a system of which every part or process is determined by relation to all the rest.

17. It is the condition, again, of there being for us such a thing as reality. 'I seemed to hear a voice, but I cannot really have done so.' What does this mean? Ultimately it means that the reference of a certain feeling or impression, which I undoubtedly had, to such a vibration as in relation to the nerves of hearing constitutes the sound of a voice, is inconsistent with the necessity I am under of regarding all experience as a connected whole.

We express the same thing, however, by saying that what I seemed to hear did not represent any real object. What do we mean by 'real object' when we say so? At first we are apt to suppose that there are a lot of separate things outside us. Then these things resolve themselves into certain possibilities of sensation, determined by an order of nature. This order, then, becomes the one object, apparently other than our consciousness, by reference to which we decide whether any interpretation of consciousness represents reality or no.

It is in this sense that we speak of the 'object' when we say, according to the definition which Kant probably had in his mind when he wrote this section, that true knowledge is 'agreement of thought with its object.' Now what can such an object be, of which, just because it is other than any determination of consciousness, nothing in particular can be

need be no such reproduction. We are apt to confuse feeling as felt with the observed fact of feeling, and thus to suppose that though there may be more than actual feelings in perception, yet feelings are constituents of perception. (See vol. i. p. 411, sec. 34.)

[1] P. 569; p. 197, *Tr.*

said? It seems to be merely something in general, an unknown quantity, x. In truth it is the 'transcendental ground of the unity of consciousness in the synthesis of the manifold in all objects of experience'[1] ('transcendental' as that which conditions experience, instead of being conditioned by it). It renders possible all particular judgments about matters of fact, and just for that reason none of these judgments are applicable to it.

It is other than consciousness, in the sense that it is not any or all of the particular modifications of consciousness. But it is that unity which binds all these into one system; it is at once their real connection and the source in us of the progressive knowledge of their connection. This 'pure, original, unchangeable consciousness' is what Kant calls '*transcendental apperception*,'[2] so called to distinguish it from 'empirical apperception' or 'internal sense,' which means consciousness of our successive states. No data of 'empirical apperception' are predicable of that 'numerically identical' consciousness which renders 'empirical apperception' possible. Nothing is predicable of it but its function in constituting intelligent experience, or 'synthesis of recognition'; or, as Kant more particularly puts it, in compelling (*a*) reference of each 'representation,' as it occurs, to an object, so that it becomes a phænomenon or represented object, to which in turn other representations are referred; and (*b*) reference of all phænomena, thus determined and inter-related, to one 'object,' as representing which they are 'real,' this 'object' being in truth only another name for the unity constituted by the 'transcendental apperception,' the unchangeable thinking subject itself.

18. Kant asks, 'What do we mean when we speak of the object corresponding to cognition?' The answer is: 'Something in general, $=x$, because outside our cognition we surely possess nothing which we could place over against it, as corresponding to it.'[3] Does Kant, then, believe that there really is such an object? Not exactly; here, as elsewhere, he takes from the current theory of his time a doctrine which disappears under his hands. He inquires first what is its function in regard to knowledge. It is 'that which prevents our cognitions from being determined at random, or as we choose, but *a priori* in some certain way'; ('*a priori*' in

[1] P. 571; p. 200, *Tr.* [2] P. 572; p. 201, *Tr.* [3] P. 570; p. 198, *Tr.*

the sense that the determination is not merely a habit resulting from experience, but one that determines experience itself). The object, then, *qua* something other than all our representations, is for us nothing; while, in respect of what it does, it is the ground of synthesis in consciousness, 'formal unity of consciousness, in the synthesis of the multiplicity of representations' (*ib.* p. 199). (*Formal* is opposed to *material.* Material unity of consciousness would be the unbroken continuance of the same feeling. Its formal unity is that which necessarily connects the most different and discontinuous feelings as one system.) This is the true meaning of 'object,' not only when we talk of knowledge in general as the agreement of thought with its object, but when we talk of knowing or perceiving (*erkennen*) this or that object. Such 'erkennen' implies that a 'function of synthesis according to a rule' has (*a*) formed successive feelings into a series, which in time determines the order of reproduction in memory or imagination ('makes the reproduction of a manifold *a priori necessary*'), and (*b*) rendered possible the conception, 'in which the reproduced manifold is united,' i.e. the conception of a relation between all the recalled facts of feeling (*ib.*). I see this or that object. This is an intuition according to Kant. We commonly say that it means that on occasion of a certain sensation I am aware of certain possible sensations, which would become actual if I did certain things, and which I regard as related to the actual sensation. This implies the reproduction of certain experiences and the conception of them as related. 'Object' is merely the name for that which renders such reproduction and conception necessary, and that, says Kant, is the 'formal unity of consciousness,' in virtue of which feelings are (1) so related to each other as to form a series, reproducible in memory in one certain way only, and (2) conceived as related.

The only fault to be found with Kant's account is that he speaks as if the constitution of a relation between feelings (which is what 'makes the reproduction of them *a priori* necessary'), and the conception of a relation between them, were two different synthetic functions of the 'formal unity of consciousness.'

19. Kant illustrates by asking what we mean by a triangle as an object, in distinction from the act of presenting a

triangle to the mind's eye which we at any time perform. It means a relation, or (as he puts it) a certain mode of combining three straight lines according to a rule. (So any 'material' object would be a mode in which certain sensations follow or accompany each other according to a rule or definite relation between them.) The unity of the rule determines what elements of the 'manifold,' i.e. what presentations to sense, can be regarded as parts of a triangle combined in one 'total impression' or intuition of a triangle. This conceived unity is really the object which we have before the mind when we make propositions about 'the triangle.'

Another illustration. The objects to which we refer the experience of outer sense we call 'bodies.' What does 'body' mean? Merely a rule according to which in intuition (i.e. perception), given certain phænomena, certain others are necessarily recalled and combined with them under certain relations, such as extension, solidity, &c.

The conception of such a rule cannot be of empirical origin. In however 'incomplete and obscure' a form it must regulate experience, so as to make it experience of objects from the beginning. (This is so far quite true that all attempts to derive such formal conceptions as that of 'body' from experience are found to treat the experience from which they derive it as already in some way an experience of objects.)

Kant's point becomes clearer if for 'conception of a rule' we say conception of *relation*. No repetition of feelings can generate that conception of them as related, which makes us interpret one of them, on its occurrence, as one factor of relation of which the other *must* be in existence too, though no actual feeling represents it.

Kant says 'there is always a transcendental condition at the foundation of any necessity.' This seems a needless assumption to those who take 'necessity' to mean merely the strongest possible conviction of certainty. With Kant it means that which on ultimate analysis is found to be the condition of there being an object for us at all. In this case the necessity is that of referring intuitions to an object (or, as I think it would be more correct to say, of referring feelings to an object, so that there comes to be an *intuition* in the sense of perception). Without such reference there

would be no experience. Its ground, then, must be 'transcendental.'

20. It may be said, 'When Kant asks, what is the object corresponding to the intuition of a triangle? what are the bodies to which we refer all experience of outer sense? is not the true answer that each is a possibility? one the possibility of combining lines which we abstract from what we see or touch, the other the possibility of resistance?' Well, but does not such a possibility mean a conceived relation? The possibility is a determinate possibility, not the possibility of chance. Body = possibility of resistance, i.e. the reference of experiences to bodies means the reference to something that would resist, i.e. require some expenditure of muscular effort before it would change place. Admitting this as a sufficient analysis of what is meant by body (which it is not), still this implies a necessary or objective relation between feelings (more than the fact that this has been felt and then that); it implies a law or relation which exists when the feelings are not being felt as much as when they are, according to which one can occur only in a definite relation to others. In order to the existence of such law or relation, there must be an eternal unit; and a unit which renders possible a relation of consciousness (of which the factors are consciousnesses) must be conscious. The source of the relation and of the consciousness of it are the same.

21. 'But this very transcendental unity of apperception forms a connection according to laws of all the possible phænomena which can ever appear simultaneously in experience.'[1]

The sequence of thought seems to be as follows: Self-consciousness on the part of the mind, of the identity of the function by means of which it connects the manifold synthetically in a cognition, renders possible the unity of consciousness in the sense of a connection with a given sensation of all related possibilities of sensation, so as to form this or that object, of which we can have a single experience. It follows that the original and necessary (transcendental) consciousness of self is also consciousness of the one transcendental object, relation to which constitutes the 'objective reality' of our experience. Consciousness of the identity of its own function is also consciousness of unity in the

[1] P. 572; p. 201, *Tr.*

correlation of all that appears to it, of all phænomena (or, as Kant says, 'of the unity of synthesis of all phænomena according to concepts'; concepts really = conceived laws), and such unity is the 'transcendental object,' the conception of which compels us to interpret every experience as consistent with all the rest, and to reject as unreal every 'seeming experience,' i.e. every interpretation of feeling which conflicts with the general system of experience.[1]

With Kant, then, the transcendental object and transcendental subject are the same. The presence of an eternal and unchangeable self to all phænomena at once makes them an order of nature, and makes our experience of them one connected system. 'Order of nature' and 'unity of experience' are only two aspects or one and the same function of the eternal self, which we call object or subject, according as we look on one or the other of these aspects.

22. We have consciousness, then, of such object or subject (in Kant's language, we 'think' it), but we have not 'knowledge' of it, because it is not given in any intuition, and intuition is necessary to constitute knowledge. There is no phænomenon, and no sum of phænomena, of inner or outer sense of which we can say 'this is it' or 'these are it.' It renders possible experience as an experience of objects, but is not an object of which there can be experience. Is it, then, the 'thing in itself'? Yes, according to Kant, it is that 'thing in itself' which renders possible 'nature in the formal sense.' It seems as if when he wrote the first edition of the *Critique* he was coming to regard this as the sole 'thing in itself,' but the final view, into which he had settled down when he wrote the *Prolegomena*, was that there was another 'thing in itself,' which renders nature possible in the material sense, the cause of our sensations.

There seems to result an opposition between the source of our experience, *qua sensation*, and the source of it, *qua order* of sensations.[2]

[1] In the following sentence, 'For this unity of consciousness would be impossible, &c.' does Kant mean to say that the 'thought of its own identity' on the part of the mind is other than this 'self-consciousness of the identity of its function,' and only arises upon the view of this function and the empirical synthesis which results from it?

[2] 'How is nature at all possible in the *material* sense, as to intuition, [I mean nature] considered as the complex of

But the whole drift of the 'deduction of the categories,' as it appears in the first edition of the *Critique*, is to show that 'objects' are laws of relation between phænomena, constituted by the synthetic self-consciousness which 'makes' nature. In fact, when we set about accounting for a sensation, how do we do it? By ascertaining uniform relations under which it occurs. These are the 'nature' which the understanding 'makes,' and which in turn makes our sensitive experience, so far as anything can be said to do so. No doubt they presuppose something else, but that is the eternal subject, not any 'substance' or 'thing in itself' independent of and opposed to this.

23. The great embarrassment throughout Kant arises from his view of 'phænomenon' as something immediately given apart from its determination *mediately*, through conceived relations. So he says 'phænomena are the only objects which can be given us immediately, and that which in the phænomenon refers immediately to the object is called intuition.'[1] Phænomena are 'immediately given,' yet in the phænomenon a distinction has to be made between that which relates immediately to the object and that which does not. Let the phænomenon be *this table*. The consciousness so described would contain according to Kant an element of intuition and an element of conception. Its qualities consist in relations which we *conceive*, which, according to Kant, are not immediately given, not *intuited*. The intuition is represented by the *this*. It is the consciousness of something here and now affecting me. This in Kant's language relates immediately to the object. But what is the object? Only a relation, only a necessary sequence of certain sensations on others; a relation constituted by the unity of understanding, and *necessary* on account of the presence of one subject to all feelings. Such an object is essentially constituted by conception. Is there, then, no meaning in Kant's view that it can be 'intuited,' as distinct from the transcendental object which 'we can no longer intuite'?

phænomena? how are space, time, and that which fills both—the object of sensation—in general possible? The answer is, By means of the constitution of our sensibility, according to which it is specifically affected by objects, which are in themselves unknown to it, and totally distinct from those phænomena" (*Prolegomena zu einer jeden künftigen Metaphysik*, sec. 36; translated by Mahaffy in *Kant's Critical Philosophy for English Readers*, vol. iii. p. 99).

[1] P. 573; p. 202, *Tr.*

One may distinguish a perceived object, as that to constitute which there must be a sensation, though a sensation determined by conceived relations, from an object such as 'nature,' which means the thought of a nexus between all possible sensations, which, therefore, cannot specially determine any one sensation or group of sensations. For Kant's distinction between intuition and conception, therefore, it is better to substitute one between conception as determinant of particular feelings, and so constituting *perception*, and conception of laws of relation, as apart from the feelings which they determine.

24. From Kant's way of putting the matter—as if there were sensibility giving 'phænomena' or intuitions on the one side, and unity of understanding on the other—arises the question how the former should correspond to, come under laws prescribed by, the latter. Kant meets this very well when it is put as the question, how *nature* should 'conform to our subjective apperception,' by showing that without such apperception there is no nature.[1] But in the other form he fails to meet the question, because he is always speaking as if there were *objects of intuition* independently of 'transcendental apperception,' or unity of understanding.[2]

No one, of course, can suppose that 'unity of understanding' in the abstract = 'nature' as the complex of phænomena. Such 'unity' is nothing real apart from the multiplicity of phænomena, any more than these apart from it. What is here objected to is the notion that phænomena, as affections of sensibility, are due to the operation of unknown 'things in themselves,' as opposed to that unchangeable subject, which may be called a 'thing in itself' in distinction from phænomena, because, though conditioning and realised in phænomena, it is not any one or all of them. The cause of any phænomenon, on its 'material' as well as on its 'formal' side, as sensation no less than as conceived, lies in its relation to all phænomena, in the system of nature, and this the unchangeable subject renders possible.[3]

25. The unity of understanding 'makes nature.' The unchangeable self in 'relation' to the multiplicity of repre-

[1] P. 576; p. 206, *Tr.*

[2] Cf. p. 574; p. 204, *Tr.* 'But the possibility,' &c. with p. 576; p. 206, *Tr.* 'That nature should conform,' &c. Cf. also p. 583; p. 216, *Tr.* 'Empirical laws, indeed,' &c.

[3] See Kant's own words, p. 577; pp. 207, 208, *Tr.*

sentations constitutes this unity. Hereupon we are tempted to say, 'Either this implies that nature is a creature of my own, and, if so, what becomes of its objectivity? Or else the unchangeable self must be God. Yet what self do I know of but my own, which is merely the "generalised abstraction of my continuous feeling"? At any rate the representations, the manifold consciousness, which this subject is supposed to determine, are mine; and how can the subject which determines my representations (*Vorstellungen*) be other than my self? So we again lose hold of objectivity, as that which, independently of ourselves, determines our consciousness.' Kant himself does not distinctly meet these difficulties. In answer to the question, What self do I know of but my own? he would say, You *know* no self but the *empirical*, i.e. the succession of phænomena of the inner sense, because to constitute a knowledge there must be intuitions corresponding to conception, and only to the conception of the empirical self are there intuitions that correspond. But you can *think* an unchangeable subject of the changes in consciousness which we call phænomena (phænomena of the outer no less than of the inner sense), and you cannot merely think it, but know that in virtue of the functions which it exercises there is such a subject, because otherwise the changes would not be changes, or (which is implied in calling them changes) connected in one experience; otherwise, in short, there would be no 'cosmos of experience.' If asked, Is this unchangeable subject God? Kant's answer, or the answer in his spirit, would be, In calling it God you are trying to *know* that which you cannot *know*, because no phænomena represent it. Under the term 'God' you are mentally applying to it predicates which do not stand for any real knowledge; you are trying to say *what* the unchangeable subject is, whereas you are only entitled to say *that* it is. The intuitions, or phænomena, which it connects, and which, as so connected, form one world, are not intuitions *of* it or appearances *of* it. We have no intuition of it, and therefore cannot know it. No object is given us which corresponds to it (for the transcendental object merely = the law of synthesis which it constitutes), but the moral life is an endeavour, for ever incomplete, to construct such an object.

26. So far we keep within the limits of what Kant in effect says. Going beyond these we may remark that when

I oppose myself and my consciousness to the objective world, and say that a 'nature,' constituted by the presence of the self to representations, has not the objectivity which we look for in nature as that which determines our experience, I am tacitly taking myself and my consciousness to be merely what Kant calls the 'empirical ego,' merely the succession of representations to inner sense. But this is a 'false abstraction.' Inner sense has no reality apart from outer, nor have phænomena of outer and inner sense any reality apart from the unchangeable subject through relation to which they become one cosmos. 'Objective nature' must indeed be something else than ourselves and our states of consciousness as we are apt to understand these when we falsely abstract our states of consciousness from their conditions and ourselves from relation to the world; but it does not follow that it is other than our states of consciousness in their full reality, i.e. in the fulness of those relations which presuppose relation to an eternal subject. I do not 'make nature' in the sense that nature = a succession of states of consciousness, beginning with my birth and ending with my death. If so, the 'objectivity' of nature would doubtless disappear; there would be as many 'natures' as men. But only by a false abstraction do we talk of such a succession of states. Their reality lies in eternal relations; relations which are there before what I call my 'birth,' and after my 'death,' if 'before' and 'after' had any proper application to them; and only through these relations are they known; only through them do they form an experience. That kind of subjectivity which alone is incompatible with their being objective, i.e. determined by permanent and necessary laws, lies merely in our misunderstanding of them. 'But how,' it may be said, 'can I misunderstand them if I am the eternal subject out of relation to which their reality, as an order of nature, arises?' The eternal subject is me as *ego*, but *not* as an ego determining all phænomena. If it were not me, my knowledge would be impossible; there would be no nature for me. It it were me in its full reality, as the subject determining all phænomena, my knowledge would be all knowledge.

27.[1] We have spoken of Kant's 'deduction of the pure

[1] [See above, Section 9. The present section is from a different MS., but seems to belong both in time of composition and subject to the preceding sections, the substance of which it repeats in a shorter and more general form.]

conceptions of the understanding' as explaining how there come to be certain relations *objectively necessary*, in the sense that they are not relations by which we may or may not connect phænomena according to our particular habits and tendencies, nor even relations by which it has become instinctive and unavoidable to mankind to connect them, but relations without which there could be no connected experience, or (which to him is the same) no experience of objects at all. A sensitive experience is not an experience of objects unless the past feelings which any present feeling recalls are connected with it as appearances of the same thing. No doubt the notion of there being a multitude of separate things or substances in nature is one that has to be abandoned, but only in order to give place to the conception of nature as a uniform system. A more comprehensive conception of identity is substituted for a narrower one; but the judgment that all varieties of feeling represent a change of what remains the same, is from first to last the condition without which our feelings would not be experience of an objective world.

It might seem that the natural course for Kant to take would have been to trace this judgment of identity to what, in fact, he believed to be its source—viz. the equal presence to all feeling of a thinking subject—and then to exhibit its various forms in a classification of the relations by which we connect phænomena. On the contrary, the first impression at any rate of his procedure is that he takes 'pure conceptions' (i.e. conceptions not derived from association of feelings) for granted, and then, in the 'deduction,' deals with the question 'how these can relate *a priori* to objects' without really showing that there are such conceptions. 'Once take the true view,' it may be said, 'that these conceptions are merely derived from the experience of objects by abstraction and generalisation, and the difficulty about their relation to objects disappears.' But in fact Kant's 'deduction,' though he defines it, as above, in such a way as in appearance to take 'pure conceptions' for granted, really (especially as stated in the first edition) amounts to a refutation of the view just stated. The 'deduction,' in his language, answers the *quæstio juris* in regard to pure conceptions (i.e. the question of their objective validity), the *quæstio facti* being already settled; but, in fact, it is to it, in particular to the section

about the syntheses of apprehension, imagination, and recognition (omitted in the second edition), rather than to the previous sections, where he treats the *quæstio facti*, that we have to go for proof (so far as he furnishes any) that there are certain conceptions which, being necessary to the experience of objects, cannot be derived from them.[1]

[1] It would seem as if on p. 99 (p. 63, *Tr.*) Kant was using 'categories' as equivalent to conceptions of a kind to constitute which, as he afterwards finds, 'schemata' corresponding to categories are necessary. These are there represented as resulting from a unification of the manifold in intuition. On the same page, however, on which he seems to speak of them in this way, he also speaks of 'pure conceptions which give unity to the synthesis of imagination,'—which do the unifying work from which the categories, in the previous sense, result. This latter way of speaking best corresponds to his after-use of the term 'categories' (p. 146; p. 113, *Tr.*). It is difficult, however, if we separate the unifying function of understanding from the schemata through which it constitutes definite conceptions of objects, to see how it comes to be spoken of in the plural as 'pure conceptions' (above); in other words, how, as a unifying function separate from the schemata, it differs from the simple unity of apperception. On p. 128 (p. 94, *Tr.*) he speaks of categories as simply apperception in its application to the manifold of intuition in general. This intuition, again, as he explains on p. 126 (p. 92, *Tr.*), must be sensuous. (Cf. p. 128; p. 89, *Tr.*)

It appears, then, that according to Kant we have (*a*) the unity of apperception, the function of understanding in general; (*b*) the same in its possible application, but not actually applied, to the manifold of sensuous intuition in general. It is pluralised in virtue of the plurality of its possible applications. Hence it is spoken of, not as *the function* of understanding, but as functions of judgment or conception, and even as pure conceptions, which yet, we are told, do not amount to actual conceptions because they still await schemata in order to realise their application to objects. These are the categories as usually spoken of (though not as spoken of on p. 99), being not the results of the unification of the manifold in intuition by understanding, but the *possibility* of such unification. (*c*) These 'functions,' as supplemented by, or acting through and upon the transcendental synthesis of imagination, and thus becoming conceptions *of objects having a pure or transcendental content*,—a content resulting from the unification of the manifold of pure intuition (or of the forms of intuition) by transcendental apperception. These are the conceptions enumerated in the table of categories. (The categories of substance and of quantity clearly mean more than the mere function of unification unapplied.) Cf. p. 152 (p. 119, *Tr.*). The pure conception, as just described, results from the combination of three factors there particularised, as distinct from the 'cognition of experience' to which it is applied. (For the distinction of 'pure *a priori* conceptions' in sense (*c*) from the categories, see p. 142; p. 108, *Tr.*, 'and finally,' &c.)

What, then, is the 'schematism of the categories'? It is a process already involved in (*c*), as mediating between the categories in sense (*b*) and phænomena, and rendering possible the application of the one to the other.

On p. 126 (p. 92, *Tr.*) Kant seems to say that the category, *minus* schematism or the work of transcendental imagination, already involves synthesis of the manifold of intuition in general, as distinct from synthesis of the manifold of *sensuous intuition*. Can this distinction be substituted for that between (*b*) and (*c*) above, as representing Kant's general view of the distinction between categories and categories *plus* schemata? The opening passage of § 20 (*ibid.*) is against this interpretation. On the whole, the distinction which generally fits best is that between categories, as functions of unity not yet applied to a manifold of intuition at all,—as pure conceptions δυνάμει,—and pure conceptions as applied through schematism to the manifold of pure intuition, and thus capable of application to empirical objects.

D. *THE 'SCHEMATISM OF THE PURE CONCEPTIONS OF THE UNDERSTANDING,' AND THE 'MATHEMATICAL PRINCIPLES.'*

[*Krit. d. r. V.* pp. 140–165; pp. 107–132, Tr.]

28. THE peculiarity in Kant's view of the 'schemata,' as a *tertium quid* between the categories and sensible intuitions, arises from the separation which he makes between these as constituting severally the form and the matter of knowledge.[1] On p. 123 (Tr. p. 89), having said that 'the manifold to be intuited must be given previously to the synthesis of the understanding, and independently of it,' he seems in the sequel to take this as equivalent to saying that understanding can only operate on objects *given to it* (as opposed to *by it*), and so given in intuition. But is there not here a fallacy? It does not follow because the '*manifold for intuition*' is given independently of understanding, that intuited objects are so given. It may be the action of the understanding that converts the 'manifold for intuition' into an *intuited object*; and Kant in some places seems to imply that this was his actual view, as it certainly is that to which his doctrine logically leads.

However, admitting the separation between objects as given in intuition on the one side, and the categories on the other, Kant reflects that the categories, as apart from the 'objects,' can yield no synthetical judgments. This may be readily admitted; the only question would be whether, as thus apart, they could yield any judgments at all. As he puts it, a synthetical judgment connects with a given conception something which is not thought in it, and consequently so connects it by a relation, which is not one of identity or contradiction (these being the relations between

[1] See p. 82, 'Ohne Sinnlichkeit u. s. w.'; and cf. p. 93, 'Da keine Vorstellung u. s. w.'; and p. 151, 'Wenn eine Erkenntniss u. s. w.': *Tr.* pp. 46, 57, 118.

a given conception and its content). What is the medium of this connection—the synthesis between a given conception and an object—as (*a*) between the categories and objects of intuition, (*b*) between one conceived object and another? The answer is, the internal sense, as containing all our representations, and its *a priori* form, time. It is the determination of the *form* of this sense that constitutes the medium between the categories as such and objects of intuition as such, in the shape of transcendental determinations of time or schemata; while it is internal sense, as determined by the categories through these schemata—in other words, our experience—that forms the medium of connection between one conceived object and another, and so renders possible synthetical judgments—judgments respecting matters of fact.

29. In this doctrine two views are mixed up, one true, the other questionable. There is no doubt that only through sensuous experience, as determined by 'unity of apperception,' and only thus becoming a connected system at all, is a world given us to be known: only as relating to objects of such a world have conceptions any meaning. No 'instructive propositions' are possible except as connecting conceptions in virtue of a common relation to a sensible object which they alike determine. There is no doubt, further, that sensuous experience, as *determined by unity of apperception* (in this perhaps there is a variation from Kant), involves the relation of time, so that all judgments about it either presuppose (as judgments respecting number and magnitude) or consist in (as judgments concerning events related in the way of cause and effect) some 'determination of time.' For reasons elsewhere given,[1] it is improper to speak of such experience as specially inner, according to the only meaning in which the opposition between outer and inner sense can be maintained—i.e. as experience interpreted as a succession of changes in oneself as opposed to outward things. But, under this correction, there is so far nothing to find fault with in Kant's doctrine. His 'principles of pure understanding' truly represent conditions of experience—judgments not derived from experience by generalisation (therefore miscalled highest generalisations), but implicitly contained in the most primary experience. Certain determinations of time being involved in the application of thought (unity of

[1] [See below, Section 58.]

apperception) to sense, we may abstract these from the judgments representing the conditions of experience and call them 'schemata'; but it is a mistake to speak of these, which are abstracted from the concrete reality of sense determined by thought, as if they rendered possible the application of 'pure conceptions' to sensible objects. Kant falls into this mistake from a false separation between the categories and objects of intuition, as if either had independent existence. If the categories and phænomena were really so 'heterogeneous' that a *tertium quid* must be found to mediate between them, whence should this *tertium quid* be got? Kant leaves no alternatives but these—viz. that (*a*) it originates in thought, or (*b*) in sense, or (*c*) results from the determination of the latter by the former. If either (*a*) or (*b*) were a true account of it, the *tertium quid* would not serve the purpose of mediation; if (*c*), the determination of sense by thought, of phænomena by categories, which it is said to render possible, is presupposed by it.

Kant does not seem to admit that the 'unity of apperception' (and the categories, except that they are differentiated or pluralised through application to objects, are just this unity) is as necessary to the giving of objects as to that connection of them, when given, in one experience without which, according to his own language, there is no 'objective reality.' He writes as if the mere 'manifold to be intuited,' the succession of feelings as it might be if there were nothing distinguishing itself from the succession to combine them, were already *objects*. We have, then, objects apart from which pure conceptions are empty (as it is admitted that conceptions are except in relation to objects or phænomena), and which conception (or apperception) has no part or lot in—which are there quite independently of it. Thus arises the problem of finding something to mediate. In fact *objects*, in that sense in which it is true that thought is empty except in relation to them, are not a mere 'manifold to be intuited,' and are what they are as objects through a synthesis effected by apperception.

30. The two unadjusted sides of Kant's doctrine appear together on p. 151 (Tr. p. 118). That which gives 'objective reality' to cognition (strictly, gives such reality to conceptions that they become cognition or knowledge) according to the first paragraph, itself depends, according to the

second, on a synthesis according to conceptions. 'To give an object'='to apply the representation of it to experience, actual or possible.' The mere succession of sensations does not amount to the giving of an object. The antecedent condition of this is the consciousness of something which implies determination of the successive feelings by a subject not in the succession. The consciousness of a qualified object having been arrived at, this remains with us as (in Kant's language) a 'representation,' the consciousness of which does not amount to the *giving* of an object. I have a representation of the table in my study, or of the colour of a geranium, or of the weight of the atmosphere; but these are not yet real cognitions—objects corresponding to them are not given—unless the representations are 'related to actual experience' in a perception, or to possible experience in the knowledge of the conditions under which such perception might be had. Perception, however, is not equivalent to sensation. When I perceive the colour of a certain geranium, a sensation or sequence of sensations is determined by prior conceptions, which, through the circumstances of the sensation, become connected with other conceptions in a synthetical judgment, *e.g.* 'this red geranium grows on ferruginous soil.' Thus that 'application of the representation of an object to experience,' through which the object is said to be given, is its connection with a system of facts, which only exists in virtue of the continuous reference of all sensations to an object, 'the object of phænomena in general.' This reference, through which sensations become facts qualifying something, and thus mutually determining qualities, is the work of 'unity of apperception.' It is a 'construction' (which seems the best equivalent for Kant's 'synthesis') 'of an object of phænomena as such' (i.e. of an object of which all phænomena are considered appearances), 'according to conceptions,' i.e. determined by certain thought relations. Thus Kant says (*loc. cit.*) 'experience depends upon the synthetical unity of phænomena, that is, upon a synthesis according to conceptions of the object of phænomena in general, a synthesis without which experience never could become knowledge, but would be merely a rhapsody of perceptions, never fitting together into any connected text, according to rules of a thoroughly united (possible) consciousness, and therefore never subjected to

the transcendental and necessary unity of apperception.' The 'general rules of unity' of which he speaks below are the 'axioms of intuition,' &c. expounded in the sequel. Cf. the passage on pp. 118–119 (Tr. p. 84); 'It is the unity of consciousness alone that constitutes the possibility of representations relating to an object, and therefore of their objective validity, and of their becoming cognitions, and consequently the possibility of the existence of the understanding itself.' It is not through sensation, then, that objects are given, but through experience, i.e. unity of apperception as exercised upon sense. And since the categories themselves are nothing else than the forms of this unity, as so exercised, nothing is needed to mediate between them and objects. The 'Transcendental Analytic' would have been much simpler if the account of the categories prior to the 'Deduction' had been omitted. The categories then would not have appeared in that separate form in which they are made to correspond to the classification of logical judgments (a classification which is only of value in relation to the syllogism, and which represents as little as the syllogism the process by which intelligent experience is formed). We should have had (1) what is fancifully called the 'Deduction of the Categories,' exhibiting the unity of apperception, derived from the presence of the 'transcendental ego' to all feelings, as the condition of the possibility of experience, and then (2), without surplusage of distinction between 'categories' and 'schemata,' an account of the 'principles of pure understanding' (as given in the third section of the 'System of Principles') i.e. of 'the general rules of unity in the synthesis of phænomena,' as arising out of the application of the thinking unit to the 'manifold of sense,' and thus involving 'determination of time.'

31. By means of number—the schema of *quantitas* as determination of time—we are able to know phænomena as *quanta* (this is what from Kant's account of number, as the schema of *quantitas*, we should expect him to show). The account of number is given on p. 144 (Tr. p. 110). A 'homogeneous intuition' seems to mean an intuited object as made up of homogeneous parts. Kant's language is naturally taken to mean that such an intuition is given, and that we proceed to apprehend it, to take in its several parts, and that number results. But in fact such an object is only so

called, or said to be made up of parts, *proleptically*. It comes to be 'a homogeneous intuition' in this sense through the 'unity of the synthesis of a manifold,' the manifold being successive feelings which through this unity (through being held together in relation to one subject) become homogeneous parts of one intuition. What Kant himself meant I am not sure. If he meant that, given a feeling fixed as an object to be attended to (an intuition, in this sense), then in that process of attending to the felt object through which it is apprehended as a collection or whole of homogeneous parts (an extensive *quantum*), time is generated as the succession between the acts of attention, and number results from the synthesis of the units of time thus generated, then he is intelligible.[1] Number is thus, according to Kant, quantity of time. But anything else can be counted as well as time; *e.g.* as Kant shows under the 'Axioms of Intuition,' parts of space. We may admit that time is generated in the process of attention to an object of intuition (as understood above), and that number results from the unity in the synthesis of the data of successive acts of attention; but it does not follow that these data in their most primitive form are times, or that what is first counted is time. What is generated as above is time as a relation of succession, not time as a numerable *quantum*. It would seem as if Kant misinterpreted the truth that number is the result of counting, and that counting as a process implies succession or time, into the notion that what is primarily counted is moments of time.

Number, then, is in no special sense—as it is according to Kant's account of it as a 'schema'—a determination of time. It is a result of counting, and any object that is apprehended as one through successive acts of attention is so far—whatever else it may be—a numerable object, an object made up of homogeneous parts that can be counted, that *has number*. There is no ground for the distinction between *quantitas*, as the category or pure conception, number as the schema, and the *quantum* as the object of intuition to which, by means of the schema, the category is applicable. Quantity is the possibility of being counted,

[1] 'Why,' it may be asked, 'should it be said that time is *generated* in the process of attention?' A certain time is occupied by it, no doubt, but that is quite a different thing. According to Kant, time *is* the relation of succession between states of consciousness. In giving rise to a succession of states, then, we *ipso facto* generate time.

the relation of addibility or numerability between objects. Number is the actuality or result of being counted. *Quanta* are objects, between the parts of which the relation called quantity subsists, of which the parts can be counted. The condition of there being such a process as counting, or objects (*quanta*) to which it is applicable, is the interaction of thought and sense. In order to there being number there must be present to successive different feelings a subject distinguishing itself from them, which can retain their mere differences and at the same time put them together as one to one. In order to there being numerable objects (*quanta*) there must have taken place (*a*) a distinction by a thinking subject of a feeling from itself, and the presentation of it to itself as an object to be attended to, and (*b*) a reference to this object of the data of successive acts of attention as its parts.

32. Phænomena = sensible objects. To constitute a sensible object, there must be (*a*) sensation; (*b*) the form of intuition, i.e. distinctness between now and then, here and there, of what is given in sense; (*c*) synthesis of apprehension, by which the sensible data, thus manifold and distinct, are combined in one object. The constitution of a phænomenon, then, or intuited object (and this is the sense in which Kant uses 'intuition' in the 'Analytic of Principles'), involving synthesis of manifold heres and theres, nows and thens, which are homogeneous with each other (however different what is *perceived* here may be from what is *perceived* there, &c.), is *ipso facto* 'generation' of a determinate space or time, as made up of spaces and times, i.e. of a '*quantum*' as a whole of homogeneous parts. It is not that a determinate space or time is first given and that then it is broken into parts. It is that in the process of apprehending the manifold of an intuition, when one 'here' has taken the place of another which accordingly becomes 'there,' I retain the consciousness of the 'there' and add it to the 'here,' and so again with both when I come to the next 'here,' thus 'rendering possible the representation of the whole through the representation of the parts,' and so constituting, according to Kant's definition, an extensive quantity. *Mutatis mutandis*, the same applies to time.

Thus every pure intuition (or 'formal intuition'),[1] in

[1] P. 132, note; *Tr.* p. 98.

virtue of the synthesis of a manifold in space or time which is necessary to constitute it, is an extensive quantity; and 'empirical intuition is possible only through pure intuition.'[1] Empirical intuition is of this or that sensible object, as occupying space or time. As thus occupying space or time, the synthesis of apprehension through which it is given involves that which constitutes determinate spaces or times (though much more than this, viz. the synthesis of sensible data given in those spaces or times), and thus the empirical intuition, though much else, is an extensive quantity, and all the 'mathematics of extension' are applicable to it. Hence this 'transcendental principle' (viz. all 'intuitions are extensive quantities') 'enlarges our *a priori* cognition.' 'The synthesis of spaces and times as the essential form of all intuition is that which renders possible the apprehension of a phænomenon, and therefore every external experience, consequently all cognition of the objects of experience; and whatever mathematics in its pure use proves of the former must necessarily hold good of the latter.'[2]

In all this it does not appear that the schema number, as *quantitas* of time, renders possible the knowledge of phænomena as extensive quantities. The determination of spaces and times alike, as Kant here describes it—the process by which we come to intuite so much space or time —is a process of 'adding one to one' in which number is 'generated.' Just as Kant says that 'empirical intuition is possible only through pure' (since the former involves the latter), so one may say that the synthesis of a manifold in space and time (which yields pure formal intuition) is possible only through a synthesis (adding of one to one) of the manifold as such, which=counting, and yields number; in other words, that the mere adding of one to one is the presupposition of the particular adding of a *here* to a *there*, a *now* to a *then*.

33. It does not make any real difference whether you say that the synthesis of pure intuition is the presupposition of, or an abstraction from, that of empirical intuition; nor, in like manner, whether you say that number is the presupposition of, or the abstraction from, extensive *quanta*; so long as no opposition is intended between abstraction as the work of thought and the reality as something with the constitution of which thought has nothing to do. If it is

[1] P. 158; *Tr.* p. 125. [2] *Ibid.*

said that space and time are 'mere abstractions,' this is apt to mean that there are real objects in space and time given to thought, without any co-operation on its part, and that it proceeds to abstract pure space and time from them. This is a delusion, but there is none in regarding mere space and time as abstractions made by thought from its own concrete construction. So it is a mistake to say that number is an abstraction made by thought from real *quanta* given independently of it. The process which generates it is a process of thought involved in that which generates determinate spaces and times, as this again in the process of thought which generates concrete objects in space and time; but the most abstract form of the process is that in which it generates mere number.

34. We have seen how perceived objects (empirical intuition), in virtue of their form as intuited, i.e. as occupying space or time, are extensive *quanta*. The reality of such objects, however, does not consist in the space and time which they occupy, but in their sensible qualities, i.e. in affections on our part referred to some external object. Such sensations. so referred or transformed into qualities, Kant calls 'the real in phænomena.' This 'real,' not occupying so much space or time, cannot be an extensive *quantum*, yet we estimate it numerically. An object affects us, is hot or heavy or bright or noisy, to such or such a degree of intensity; i.e. according to Kant, between its reality (the sensation on our part which we refer to it) and nothing (entire absence of sensation) there is a possibility of sensations, 'the difference of which from each other is always smaller than that between the given sensations and zero, or complete negation.'[1] We do not need to traverse these in apprehension (as we do the parts of a space) in order to the apprehension of the real in phænomena, since 'apprehension takes place by means of mere sensation in one instant, and not by the successive synthesis of many sensations, and therefore does not progress from parts to the whole;'[2] and therefore the real is not an extensive *quantum*; but it has intensive quantity or degree as = 'that quantity which is apprehended only as unity, and in which plurality can be represented only by approximation to negation.'[3]

Thus, though nothing can be known of the *quality* of a

[1] P. 160; *Tr.* p. 127. [2] *Ibid.* [3] *Ibid.*

sensation *a priori* (i.e. before it is felt), we know *a priori* that, whatever the sensation, as real or representing the real it must have a degree, because to know it as real is to know it as determined by opposition to absence of sensation, and we cannot so know it without representing to ourselves a continuous process by which the 'empirical consciousness' rises from negation as = the absence of the sensation to reality as = its presence. As Kant puts it, when we say that a sensation is the real in a phænomenon, 'the real' means 'the synthesis in an empirical consciousness,' or 'synthesis of homogeneous ascension from 0 up to the given empirical consciousness.' [1]

35. According to this account of the matter, for a merely sensitive consciousness any given sensation would not be real, and would not have degree. It is at once real and has degree in virtue of an intellectual synthesis by which a transition of empirical consciousness from absence of feeling to the given one through infinitely reducible intermediate stages is presented to thought.

The sensation, as such, is apprehended in a single instant. In this it is unlike a space, as made up of parts, which can only be apprehended in a succession of moments. As sensation, then, it is one, but the apprehension of it as real implies the conception of a process 'in which the empirical consciousness can within a certain time rise from nothing up to its given amount.' Thus 'plurality' is represented in it 'by ascent from negation,' or, which is the same, 'by approximation to negation.'

Bearing this in mind, we may understand how it is that Kant falls into the (at least) verbal contradiction of saying in one place that 'quantity belongs to sensation *by means of its apprehension*, in which empirical consciousness can within a certain time rise from nothing = 0 up to its given amount,' and in another that 'the real in a phænomenon has always a quantity, which, however, is not discoverable in apprehension.' [2] The explanation is that no judgment of quality is involved in apprehension as = consciousness of sensation, but that such judgment is involved in the apprehension of it as the real in a phænomenon, because this involves the presentation of the process through which 'empirical consciousness can within a certain time rise from nothing = 0 up to its given amount.' In the first passage the words in a

[1] Pp. 164-165; *Tr.* p. 132.

[2] Pp. 159-160; *Tr.* pp. 126-127.

parenthesis, to make sense, should run, 'and that in virtue of a conceived process of apprehension, in which,' &c. That is to say, the apprehension here spoken of is not that spoken of as 'apprehension by means of sensation alone' (p. 127, Tr.), but the 'synthesis of homogeneous ascension from 0 up to the given empirical consciousness' (p. 132 Tr.).

36. In the account of the 'anticipations of perception' the characteristic of the real, as *filling time*, which is insisted on in the account of the schemata, does not appear. We should expect to find it shown that the category of reality ('reality in the pure conception of the understanding') becomes applicable to sensation (so that sensation becomes the representative of the real) through a schema consisting in a determination of time. This schema is described as 'Zeiterfüllung.' It is difficult to see how a filling of time can result from the determination by understanding of time as the mere form of intuition—which is what a 'schema' according to Kant is—and thus how a filling of time should be a schema at all. What is shown is that the knowledge of sensation as real, or as that to which the real corresponds, implies the representation of a possible transition from it to negation or from negation to it through infinitely divisible stages, in virtue of which it has degree. The representation of such a transition implies that of time as a relation of succession, and of a different filling of each moment of the time in which the transition takes place. Each such filling in turn must in being known be represented as reached through a like transition from negation through the succession of differently filled times. It is true, then, that 'a determination of the inner sense according to conditions of its form, viz. time,'[1] is implied in the knowledge of sensation as real. To know it as real is to know it as more or less intense; to know it as more or less intense implies the conception of a process of empirical consciousness (or of a determination of the inner sense) by which it might descend to zero or have ascended from zero, and this is a conception of a process in time. Just so far, however, as this is a conception of a process in which moments are successively filled, it is not a conception of pure time, and does not correspond to Kant's account of the schema as 'transcendental determination of time,' rendering possible the application of the category to phænomena.

[1] P. 143; *Tr.* p. 110.

E. *THE RELATION OF THE 'MATHEMATICAL' TO THE 'DYNAMICAL' PRINCIPLES.*

[See especially *Krit. d. r. V.* pp. 165–169; *Tr.* pp. 132–136.]

37. THE 'analogies of experience' represent the modes in which perceptions must be connected if they are to form one experience, or (which is the same) to represent one world, or to become a cognition *of objects* (p. 165; Tr. p. 133); they are merely *regulative*, not *constitutive* principles, i.e. they do not give or enable us to construct intuitions, nor do they relate to the presentation of objects (phænomena); but, given the phænomena, they determine the way in which they must exist in relation to each other. Thus they are distinguished from 'axioms of intuition' and 'anticipations of perception,' inasmuch as these determine what every phænomenon must be, viz. an extensive quantity in respect of its relation to intuition, intensive in respect of its relation to sense. The 'analogies' on the other hand do not enable us to say *a priori* what any phænomenon must be (thus 'they do not concern phænomena'); we are not able by means of them to anticipate 'in what respect the empirical intuition of it would be distinguishable from that of others' (p. 167; Tr. p. 134), but only that, whatever the phænomenon, its existence must be determined in a certain way by relation to other phænomena, as forming along with them a series of changes determined by something unchangeable, or as related to them in the way of cause and effect, or in that of reciprocal action. The term 'analogy' is borrowed from its use in mathematics. In mathematics it means an equality of proportions, such that, given two numbers bearing a certain proportion to each other, and a third, known to be related to another in the same proportion as the former two, we can tell what this fourth number must be. In philosophy it means a rule in virtue of which, given a phænomenon or perceived object, we can assert the necessary existence of another object

related to it in a certain way, though we do not perceive this other object, and cannot (merely in virtue of the rule and without further experience) say what it is. But such a rule, though it does not by itself enable you to say what the other object is, puts you on the track for finding it; it sets you, *e.g.*, on the faith that there is uniform sequence of phænomena in time, to look behind the apparently shifting order of our sensations with the purpose of finding what the event really is which precedes a certain other event, and which, preceding it once, precedes it always.[1]

38. Kant's distinction between the knowledge represented by the 'axioms' and 'anticipations' as *constitutive*, in opposition to that represented by the 'analogies' as *regulative*, seems to involve two points. You can know *a priori* (*a*) that a phænomenon must have quantity, extensive and intensive, whereas of the phænomenon inferred in virtue of an analogy of experience you only know that it must exist in a certain relation to the given phænomenon, but nothing of its nature. We naturally ask whether the latter knowledge does not 'concern phænomena' just as much as the former. Kant, however, seems to regard the phænomenon as having an intrinsic nature, in respect of its being intuited and perceived, distinguishable from the relations to other phænomena under which alone it is known as existing. Hence he speaks of the rules which determine the latter as not 'concerning phænomena.' This distinction is very questionable. To know *a priori* that a phænomenon must have a quantity is merely to know that it must stand in a certain relation to other phænomena, and just the same is to know that it must have a cause. 'But' (it may be said) 'the knowledge that it has extensive quantity is necessarily incidental to the apprehension of it as an intuition, and that it has intensive quantity to the apprehension of it as real. It is thus incidental to the giving of the phænomenon as an object. The knowledge of the relations under which it necessarily *exists* is not so.' If it were possible to know an intuition as an extensive quantity, or a sensation as having degree, without

[1] P. 167; *Tr.* p. 135, 'Thus, if a perception is given us . . . discovering it.' In the sentence 'In this case,' &c. Kant is not thinking of the three conditions of experience, which he afterwards gives under the name 'analogies,' but of ordinary reasoning from analogy in philosophy as distinct from quantitative analogy. K. Fischer's explanation of the sense in which Kant speaks of analogies of experience (Translation by Mahaffy, p. 106) seems to me wrong.

anything except intuition and sensation, there might be a valid distinction between such knowledge and that of an object as existing under a relation to another object, of which there is no intuition or sensation. But in the process of 'representing a whole through representation of its parts,' one must conceive that part which is at any moment intuited as determined by the other parts, which have been, but are not being, intuited; and in order to know a sensation as having degree, one must conceive, without feeling, a series of possible sensations through which it would have to pass in order to become = 0, which means that the sensation is determined by a process—by a series of objects—neither felt nor intuited. What essential difference is there between such 'cognition' and that of a phænomenon as having its existence determined by another object, not present to sense or intuition, in other words, by a cause?

39. (*b*) The distinction means further that in virtue of 'the axioms' and 'anticipations' you can know *a priori* what the particular quantity, extensive or intensive, of phænomena must be. Having learnt that the intensity of sunlight is 200,000 times that of moonlight, you do not need to await the sensation of sunlight to know what its degree must be. But how does this knowledge differ from the knowledge that, given a certain phænomenon, another event—its ascertained cause—though unperceived, must have happened? It is quite true that without experience you could not ascertain what the cause of the phænomenon is, but equally without experience you could not ascertain the relative intensity of sunlight as compared with moonlight. When on the faith of the uniformity of nature—or the 'principles of the unity of experience'—you have ascertained the law of relation, in one case as in the other your knowledge anticipates actual sensation.

40. The 'principles of the *mathematical* use of the categories' are 'apodeictic'—can have their truth demonstrated—because they represent conditions of intuition, and can be exhibited in intuition.[1] You can see that an intuition must have extensive quantity by simply attending to the intuition without considering anything else than the given intuition. The necessity is not contingent upon there being anything else than the intuition. On the contrary, the necessity of

[1] P. 154; p. 121, *Tr.*

the principles of discursive cognition is dependent on objects of empirical intuition being given. *These given*, the dynamical principle of the understanding (*e.g.* the principle of substance) is necessary as the condition of their forming one experience. The necessity of the principle is contingent upon the phænomena being given to which it relates, and these phænomena are not *given together in intuition*. Given an event, *e.g.*, its conditions are only known '*discursively*.' They must be objects of *possible* intuition, but in intuition they could only be presented *successively*—one ceasing to be so as the other comes to be so—and their relation to each other and to the event which they determine is not intuited at all. Knowledge of them, therefore, is 'through conceptions, not intuitions; discursive, not intuitive.'[1]

It is difficult to see how the apprehension that an intuition has extensive quantity can be other than 'discursive.' 'The representation of the parts which renders possible the representation of the whole' is a process of which the whole cannot be intuited at once. No relation can be intuited, in Kant's sense, because no relation—not even a relation of space or time—is in space or time. All knowledge, then, *as of relations*, is discursive, and its fault lies, not in this,—as Kant sometimes seems to think,—but in the fact that its range of discourse is so narrow.

[1] See p. 93; p. 57, *Tr.*; and cf. p. 490; p. 447, *Tr.*, '*A priori* conceptions,' &c.

F. *THE PROOFS OF THE 'ANALOGIES OF EXPERIENCE.'*

[*Krit. d. r. V.* pp. 165–192; *Tr.* pp. 132–161.]

41. EXPERIENCE is not a mere succession of perceptions, but the *determination of an object* by means of perceptions. As 'cognition *of objects*,' it implies that our sensations are referred, as signs or effects, to objects which do not pass with them—do not merely exist while sensation is felt—but are mutually qualifying elements of a permanent world. As Kant puts it, it implies a synthesis (a form of unity) not contained in perception, i.e. which does not arise out of the nature of perception, but which implies a unification of the manifold of perception, i.e. of sensuous affection, of such a kind as gives it a new character (synthetic), a character which does not belong to it merely as a manifold of sensuous affection, or as it is for a merely feeling subject. Every perception is determined *a priori* (before it actually occurs) by the necessity of being held together in one world with all other experience; in other words, by the necessity of being referred *to an object supposed always there*. This reference to an object may take the following forms. Manifold perceptions may be treated (*a*) as changing appearances of one thing, as 'sensible qualities' of a substance, of which, as it is found that things, which we at first regard as independent of each other and absolutely permanent, are dependent and only relatively permanent, the conception expands into that of one constant sum of matter. (*b*) As a series of events of which each is so conditioned by that which precedes, that otherwise (without the antecedent) it could not have happened. (In this case, the *object always there* is the uniform rule of sequence. The events pass, but the rule, that if one happens the others must, does not pass.) (*c*) As successive appearances of a system of things which coexist and are what they are in virtue of that coexistence. These three ways of determining perceptions *a priori* with reference to an objective

world, which does not pass with them, Kant takes to correspond to the 'three *modi* of time.' They are 'connections of objects *in time in general*,' 'relations of the existence of the manifold as it is objectively in time.'[1]

42. 'Time in general' is opposed to the particular times at which perceptions happen to occur, in which 'no character of necessity appears.' The order according to which the 'manifold exists objectively in time' is opposed to the order in which 'it is put together in time': *e.g.* it is a 'mere chance' whether I see flame before I feel heat, or *vice versa*. If the relation of cause and effect belonged merely to the manifold 'as put together in time'—to the order of our subjective apprehension—flame might be regarded indifferently as the cause or the effect of heat; in truth, it is a relation of existence as it is objectively in time. The relation, Kant would say, between two phænomena as cause and effect is a relation of time (one *must* occur at a time preceding the other), but not of the times in which we may happen to perceive them. Often an antecedent event is not perceived. The shock of an earthquake is felt, but no one perceives the antecedent commotion in the bowels of the earth; the sound of a bell is heard before the motion of the clapper is seen, &c. It is a relation, then, of 'time in general,' not of the times in which appearances occur to us; and as 'time in general' cannot be perceived, it is a relation arising, not out of perceptions, but out of '*a priori* connecting conceptions.' The source of these (the 'analogies of experience') is the equal presence to all feelings of the one thinking self, or, as Kant puts it, 'the general principle of all three analogies rests on the necessary *unity* of apperception in relation to all possible empirical consciousness *at every time*.' Inasmuch as the 'original apperception relates to our internal sense,' or, more precisely, to the 'form' of that sense, i.e. to distinctness of feelings in time, the unification of sensitive experience, which that 'apperception' effects, must be a unification of it according to relations of time. Hence the rule which arises from it is, 'all empirical determinations of time must be subject to rules of the general determination of time' (where 'empirical determinations of time' = all *experience of objects* in time), i.e. are subject to those rules according to which alone the succession of phænomena in time can form one world.[2]

[1] Pp. 165–6; p. 133, *Tr.* [2] P. 166; pp. 133–4, *Tr.*

43. 'Without the permanent, no relation in time is possible.' The succession of *a* upon *b* means that *b* is over before *a* begins. The relation between them (called succession) cannot exist for either *a* or *b*, but only for something present to each of them. If there were nothing but successive events in the world (nothing but *b* vanishing before *a* begins, *a* before *c* begins, and so on), there could be no succession. The possibility of any succession implies a 'relative permanence,' and the possibility of everything being merely *relatively* permanent implies an absolute permanence. The same holds of *change*, which is a particular sort of succession —succession of different qualities. Again, 'it is only by means of the permanent that existence in different parts of the successive series of time receives a *quantity*, which we entitle *duration*. For in mere succession existence is perpetually vanishing and recommencing, and therefore never has the least quantity.' There must therefore be something not in succession but permanent that can carry on each vanishing moment of the succession and add it to the next, in order to constitute quantity of time or duration. So far, good. 'But,' says Kant, 'permanence is just another expression for time, as the abiding correlate of all existence of phænomena, and of all change, and of all coexistence.' Time is such an 'abiding correlate' because 'all phænomena exist in time, wherein alone as a substratum, i.e. as the permanent form of the internal intuition, coexistence and succession can be represented.' Yet, on the other hand, 'the permanent is the substratum of our *empirical representation* of time itself, in which (*sc.* substratum) alone all determination of time is possible.' 'Empirical representation of time' seems to be opposed to 'time in general,' which 'cannot be an object of perception,' and to represent which, accordingly, a 'substratum' (matter) must be found in objects of perception.[1]

I cannot see what meaning 'time' has except as a relation of succession, a relation of which the possibility supposes something other than the terms of the relation, something not in succession. It is a mistake to convert this relation into that permanent something, which is the condition of its possibility. It is a further mistake to speak, as Kant does, of 'permanence and coexistence' as, along with 'succession' '*modi* of time.'

[1] Pp. 169–170; pp. 136–137, *Tr.*

44. When Kant calls time 'the *permanent* form of internal intuition,' there is sense in this, so far as it means that time as = succession is a permanent relation; but then it is a permanent relation between the non-permanent or transitory, just as transitory; the relation, namely, of inner intuitions to each other so far as each is over before the next begins. The *relation time* is not itself *in time*, the relation of succession is not successive. But it is one thing to say that succession (or time) is a permanent relation, and another to say succession = permanence, or that 'permanence is another expression for time.' 'Permanence' expresses a relation to the transitory, or throughout the transitory, of that which is not so. Time is just the opposite of this, a relation of the transitory to the transitory. Thus to say that 'permanence is another expression for time' is, strictly taken, nonsense. As permanence means a relation, so in this proposition time must mean a relation, and time *as relation* can only mean succession, which is the opposite of the relation of permanence. To say, however, that time is *the permanent* is a different matter, for in this proposition, as 'the permanent' does not express a relation but something related, so 'time' may be taken for something other than a relation. No doubt, when Kant says that 'permanence is another expression for time,' he means 'time is the permanent.' He is thinking of time, not as a relation of succession, but as something in which all relations of time exist.[1] The question, then, is, whether you can properly speak of *time* as that which exists throughout all *times*, which is what *the permanent* means.

Time is either the relation of succession, or a name representing something which we try to arrive at by adding times, 'times' being what remains of the events between which the relation of succession subsists after the abstraction of all determination of those events except such as arise from this relation. But the result of adding times is for ever incomplete, the addition being a process *ad infinitum*. There is really, then, no such thing as a time containing all times. If there were, it would not be the permanent, for it would be constituted by the addition of so many

[1] Cf. p. 170; p. 137, *Tr.* 'simultaneity and succession are the only relations in time;' p. 173; p. 141, *Tr.*, 'there is only *one* time in which all different times must be placed.'

negations of permanence. Time, as=relation of succession, is permanent like all relations, in the sense of not being in time. A relation between events cannot be itself an event. But there is no reason for calling this relation *the permanent*. Strictly it is a result of the permanent, i.e. of the 'order of nature,' which, according to Kant's view, means the unification of the manifold through its relation to one subject.

45. Time being either the relation of succession or duration, succession is not a *modus* of time, but just time, and it is absurd to call either permanence or coexistence a *modus* of succession. Coexistence or simultaneity, as little as permanence, can be spoken of as a *modus* of time. It is not properly times that are simultaneous. The only possible relation between one time and another is that of succession. Simultaneous events do not exist in different times simultaneous with each other, but in one time successive on another in which other events coexist. Simultaneity is thus not a relation between different times, but between different events in one time. It may be said, Why not reckon succession, coexistence, and permanence as '*modi* of time,' as each constituted by a different sort of 'synthesis of different times'? But, at any rate, they are not co-ordinate. Succession=time. It is constituted by a synthesis of feelings of which one is passing as the other begins, but the synthesis must be performed in order that time may exist. Times being thus given, a further synthesis of their diversity may yield severally permanence and coexistence. But clearly it is a mistake to speak of 'the permanent' as='time in general,' when it is only constituted by a synthesis in which *times* lose their character as times, which is that one is over before the next begins.

46. 'Substances (in the world of phænomena) are the substratum of all determinations of time. The beginning of some and the ceasing to be of other substances would utterly do away with the only condition of the empirical unity of time;'[1] i.e. the condition under which alone the mere manifold of distinctions between beginnings and endings of feelings becomes one succession (time), is that something be equally present to them all. Why not say at once that this 'something' is the eternal, that the eternal is thus the condition of there being time? Kant would say, 'Because

[1] P. 173; p. 141, *Tr.*

the eternal is not an object of knowledge. If there were a possible intuition or phænomenon corresponding to the 'pure ego,' there would be a knowable eternal; but it is not so. And the 'something' which conditions the 'empirical unity of time'—in relation to which determinations of time are possible—must be an object of knowledge, substance as *phænomenon.*' But is there any *phænomenal* substance that does not begin and cease? 'Not (according to Kant) any particular substance, but the *matter* of all.' But is matter in this sense a phænomenon? Not, if phænomenon means (as with Kant it does) that which can be *perceived.* All that can be perceived is some *modification* of matter which is not permanent. The matter or 'something' which really does not begin or cease, is the thinking self, as *an object to itself,* which is not *in time* at all, but is the condition of the possibility of time, and is only called *permanent* by a kind of metaphor and at the cost of contradiction. 'Permanent' (according to Kant) is that which is *in all time*; but (*a*) time is not a possible *all,* and (*b*) the eternal is not *in* it.

47. The point of Kant's 'proof of the second analogy' is that 'the subjective sequence of apprehension' must be 'deduced from the objective sequence of phænomena.' Against the doctrine that the relation of cause and effect is 'nothing but uniform unconditional sequence' he would have nothing to say. His point is that the existence of such a relation implies the determination of the sequence of our feelings by an 'order of nature' other than they, which =the unity of understanding, and is the *a priori* condition of the succession of feelings becoming an experience of an objective world. With Hume the 'subjective sequence of apprehension' is everything. Connection between cause and effect is a determination of imagination to pass from an impression to the idea of its usual attendant. Feeling *a* has, as a matter of fact, so many times followed feeling *b.* This amounts to no *order of nature.* What we call so, according to Hume, is an expectation resulting from habitual sequence.

Kant says, if the connection of cause and effect between *a* and *b* were merely a connection in imagination, *b* might just as well come before *a,* as *a* before *b.* Impressions and ideas, according to Hume, differ merely as stronger from weaker feelings, nor can any other difference be found

between them save such as presupposes determination by reference to an objective world, which is just what has to be accounted for. Of two feelings, which the scientific man regards as representing events related to each other in the way of cause and effect, so that one can only precede, the other only follow, the one which = the effect constantly recurs before that which = the cause. The *idea* of the cause is as often suggested by the *idea* of the effect as *vice versa*, and the idea which suggests the other must come before it. Remove the notion of determination by an objective order represented by the words 'of the cause' and 'of the effect,' and clearly it becomes indifferent whether cause precedes effect or effect cause.

Thus (*a*) our 'subjective apprehension of the manifold is always successive,' and (*b*) there is no uniformity in the succession; *e.g.* 'the apprehension of the manifold in the phænomenon of a house which stands before me is successive,' just as the apprehension of the positions successively occupied by a boat floating down the stream. Yet I judge the manifold parts of the house to coexist, and the positions of the boat to be necessarily successive. Why this difference? 'Because I may apprehend the parts of the house in *any* order, the positions of the boat only in one, beginning with that highest up the stream.' But this will not explain (*a*) why I judge the manifold of the *house* to exist only in one order, viz. *together*, or (*b*) why I take the order of apprehension to represent *the fact* in one case and not in the other. On the same principle on which I take *subjective uniformity* to represent the fact in regard to the boat, I ought to take *subjective absence of uniformity* to represent the fact in regard to the house. The truth is, however, that even in the case of the boat, it may very well be the sight (impression) of the *lower* position that recalls the *idea* of the higher, and if there were nothing else than succession of feelings to constitute the relation of cause and effect, this would put the relation between the positions of the boat on the same footing as that between the parts of the house. 'But,' it will be said, 'the impression of the lower position, *a*, can never precede the *impression* of the higher *b*. No one ever *saw* a boat at *a* before he *saw* it at *b*.' But if the impression only differs from the idea as the more from the less lively feeling, what difference is there between the sequence of *idea* on impression and that of *impression* on impression, that the latter

alone should affect the habit of expectation (according to Hume's doctrine), or be regarded as real and objective, so that we correct the 'subjective order of apprehension' by it?

48. A phænomenon, then, if it is to be related to another as cause to effect, as uniform antecedent, must be distinguished from 'reproductions of apprehension' as *the object of them*, and it can only be so distinguished, 'if it is subject to a rule, which distinguishes it from every other apprehension, and which renders necessary a mode of connection of the manifold.'[1] That which thus renders the connection necessary is, according to Kant, 'the unity of understanding' or of 'apperception,' the presence of the thinking subject to the manifold, in virtue of which these form one world, and, so far as successive, form one succession, so that if *a* has once followed *b*, it cannot also come before it. Thus even the 'subjective order of apprehension' is, of course, not really a matter of chance. The order in which at any time I happen to apprehend the parts of a house, like everything else that happens, is determined by preceding events; but the order of events being necessarily uniform, the parts of the house, to which the order in which they are at any time apprehended makes no difference, cannot be an order of events. The occurrence of the *idea* of the boat at position *a* the lower, *before* the idea of it at *b* the higher, is as definitely determined by preceding events as the actual position of the boat at *a* and the sight of it is determined by its previous position at *b*; but because the order of events is *one*, the occurrence of the *idea* at *a*, *b*, and *c* is differently determined from the occurrence of the sight. There is no ground for this distinction, however, except in the judgment that an event, *a*, which follows another, *b*, can *only* follow it.

This judgment arises from the action of the understanding in 'applying the order of time to phænomena and their existence.'[2] 'If phænomena were things in themselves, no man would be able to conjecture from the succession of our representations how this manifold is connected *in the object*.'[3] In fact, phænomena=the complex of our representations *as subject to a rule* arising from the unity of apperception. Hence the succession of our representations needs only to be qualified as one and necessary (a qualification which it receives from the 'unity of understanding'), in order to become an 'objective connection.'

[1] P. 176; p. 141, *Tr.* [2] P. 181; p. 149, *Tr.* [3] P. 175; p. 143, *Tr.*

G. *THE DISTINCTION BETWEEN 'ANALYTICAL' AND 'SYNTHETICAL' JUDGMENTS IN CONNECTION WITH THE 'POSTULATES OF EMPIRICAL THOUGHT.'*

[*Krit. d. r. V.* pp. 148–153, 192–205; Tr. pp. 115–119, 161–174.]

49. THE pure conceptions of the understanding may be applied either to the '*intuition* alone' (to pure intuition or the form of intuition?) or to the '*existence* of a phænomenon,' i.e. to the relations of phænomena to each other. In the former case they yield 'mathematical principles' (i.e. principles of the possibility of mathematics); in the latter case 'dynamical principles,' principles of the possibility of physical science. The 'objective validity' of all intellectual synthesis depends on the possibility of experience (empirical synthesis) corresponding to it; ('the possibility of experience is that which gives objective reality to all our *a priori* cognitions'); and experience again depends 'on a synthesis according to conceptions of the object of phænomena' (i.e. that which our feelings are taken to represent) 'in general,' without which we should have no connected whole of experience, but only a 'rhapsody of perceptions.'[1] This synthesis, these conditions of the possibility of experience, Kant calls 'experience as *a priori* cognition,' which, he says, 'possesses truth, i.e. accordance with its object,' only in so far as it contains nothing more than the conditions under which alone the manifold of intuition becomes a connected whole of experience.[2] Hence the 'supreme principle of all synthetical judgments,' which Kant states thus (*ib.*), 'Every object is subject to the necessary conditions of the synthetical unity of the manifold of intuition in a possible experience.' The 'principles' afterwards stated embody these 'necessary conditions.' In this part of his doctrine Kant has always before him (*a*) the opposition of analytical

[1] Pp. 151–2; p. 118, *Tr.* [2] P. 152; p. 119, *Tr.*

and synthetical judgments, (*b*) the definition of truth as 'agreement of thought (cognition) with its object.'

50.[1] In 'analytical judgment' we merely 'predicate of a conception' (i.e. of an object thought under certain attributes) 'that which is already thought in it' (i.e. certain of these attributes). In 'synthetic judgment' we 'go beyond the given conception in order to think in relation with it something quite different from what was thought in it.' The 'supreme principle' of analytical judgments is that of contradiction; i.e. no such judgment can be true in which the object is thought of under contradictory attributes, if one of the contradictory attributes 'agrees with the object.' This principle is a means for 'cognition of truth,' i.e. you can ascertain whether an analytical judgment is true by asking yourself (if affirmative) whether the contradictory of the predicate can be denied of the object. If the contradictory can be affirmed, the conception does not agree with the object, the judgment is untrue. ('Man is mortal;' can 'not-mortal' be affirmed of man? If so, the conception 'mortal' cannot agree with the object 'man,' since contradictory attributes cannot belong to the same objects.) But since the 'object' in such a case is merely a 'thing' of my own mind, certain attributes definitely conceived in unity, it is absolutely impossible that I should judge an attribute to belong to it of which I could also affirm the contradictory. So far from being 'of use for cognition of truth,' the principle of contradiction is only of use for preventing an error which could not possibly occur. There is no meaning, then, in calling it a test of the truth of analytical judgment in the formal logicians' sense of analytical judgment. It is otherwise if 'analytical judgment' means a process of clearing up a confused conception. If the conception of 'man' is *confused* (if you do not quite know what you mean by it, and what not), you may be ready to admit propositions about 'man' that implicitly contradict each other. Then, as soon as the contradiction between them is clearly exhibited, according to the law of contradiction you have to reject one, and your conception is cleared up. But in such a case, the judgments in which you admit these implicitly contradictory

[1] [What is here said on analytical and synthetical judgments is to be supplemented by what is said below in the lectures on Mill's Logic, §§ 66–72.]

propositions are not 'analytical' in Kant's sense. You do not in them 'predicate of a conception what is already thought in it,' for you have no clearly articulated conception at all. If you had, you could not admit the contradictory propositions. Nor is the process of clearing them up an analytical judgment in Kant's sense, for you cannot clear them up without 'going beyond them.' The principle of contradiction, then, is not the 'test of truth' of analytical judgment. It represents the law under which you clear away verbal confusion, so as to know exactly what you mean by your general terms, so as to arrive at those definite conceptions the content of which you can state in an analytical judgment. When you have arrived at that state in which you can make an analytical judgment in the sense of formal logicians (in which you predicate of a conception, of which the connotation is definitely known, one of its attributes), there is no longer room for such a 'test' as that of the principle of contradiction.

Thus if analytical judgment means the mental act in which you rehearse the contents of a definite conception, there is no meaning in calling the principle of contradiction the test of its truth, since it cannot be false. In that sense of 'analytical judgment' in which the principle of contradiction can be called its test, it cannot be opposed to a synthetical judgment in the sense in which Kant opposes it, as that in which we do not 'go beyond' a given conception. The propositions which give a colour to the notion of there being 'analytical judgments' in the sense of formal logic are (1) those in which a teacher conveys the meaning of terms (those *e.g.* of a dictionary). But these do *not* represent any process of thought on the part of a teacher, and *do* relate to a matter of fact. No doubt the teacher or dictionary-writer must have thought in order to be able to give an exposition of the meaning of the name, but this thinking is a highly synthetical process, which results in the conclusion that, as a matter of fact (*e.g.*) what is now understood by 'gold' is a metal distinguished as follows (according to the received scientific account). (2) Those which represent the act in which we think of a conceived subject under one of its conceived attributes *in the process of connecting it with something else.* There may be real thinking represented by 'gold is yellow,' if it represents a stage in connecting gold through its yellowness with other objects,

or of considering whether some newly observed thing is gold or not. But this is a synthetic process.

51. (*a*) 'All bodies are extended,' is an analytical judgment according to Kant; (*b*) 'All bodies are heavy,' a synthetical judgment. This cannot mean that 'extension' is included in the meaning of the term 'body,' while 'heaviness' is not. Such inclusion is relative to the individual's state of mind. To educated men both predicates, to uneducated neither, are included in what they understand by 'body.'

Probably Kant means that (*a*), representing a mere conception, involves no reference to 'experience,' while (*b*) does. But what is meant by 'experience'? Is it meant that the predicate 'heavy' represents sensations repeatedly felt? Then the proposition reduces itself to remembrance, 'I have felt a body to be heavy again and again, &c. and never otherwise, so that I expect to continue to feel it heavy.' But then what does 'body' mean in such a proposition? If it represents a mere conception in (*a*), it must do so likewise in (*b*), and the proposition must state the coexistence of such a conception with a succession of events in the way of feeling, which is nonsense. We may try to reduce 'body' to a succession of feelings in (*b*), but if so, we must equally so reduce it in (*a*), which knocks up Kant's doctrine as to (*a*).

Kant, however, by no means took 'heavy' to represent a feeling or succession of feelings. An intellectual synthesis is necessary to give it. 'Weight' is not a mere feeling, but an 'empirical conception,' resulting from the interpretation of feeling under the direction of 'synthetic principles of understanding' (in particular the principle of the 'anticipations of perception'), and as predicated of body implies the conception of the connection of body with the 'whole of possible experience.' Undoubtedly, if we had no sensations, we never should judge 'bodies are heavy,' but should we judge 'bodies are extended'? Kant might say 'yes,' since extension is a property of pure intuition. But (1) 'sensibility alone furnishes us with intuitions,' and though this does not mean that sensation=intuition, it does imply that without sensation, as a matter of fact, we should not have intuition; and (2) 'body' is not pure intuition, so that, though 'pure intuition' does give extension, it does not give it *as a predicate of body*. If 'body' means body *as experienced* in (*b*), can it mean anything else in (*a*)?

52. The truth is that both judgments are *synthetical*, in the sense that in them thought goes beyond the *subject-conception*, which, indeed, would not be a conception if thought did not go beyond it. Conception = the thinking of an object under relations, and under relations which cannot be isolated and summed up, but of which each involves a farther relation. Both are *analytical* as implying analysis of that mere consciousness of 'something there' with which our knowledge begins, an analysis through which *to us* the 'something' becomes the articulated whole which it is *in itself*. Both, again, relate equally to experience. The difference is that the correlative analysis and synthesis represented by (*a*) is much more elementary than that represented by (*b*), so elementary that without it there is no definite conception of an outward thing at all. It means, 'every body is made up of parts outside each other.' In fact, it merely predicates of body that which, as predicated of all phænomena, according to Kant himself, is a 'synthetic principle of experience.' It is quite true that without extension you cannot think of body, but it is misleading to say that in predicating extension of body, you do not go beyond the conception of 'body,' because the predicate expresses that very act of going beyond body, though only to another body, without which body cannot be thought of.

Kant's opposition between the two sorts of judgment is, in fact, a survival from the doctrine which opposes what mind does for itself to 'facts of nature,' a doctrine upset by the admission that 'understanding prescribes laws *a priori* to phænomena, and therefore to nature as a complex of all phænomena.' It is the same sort of survival, which makes him often write as if mathematical truths were only 'subjectively true,' though their 'objective validity' is afterwards established by the consideration that, nature being constituted by understanding, the synthesis of intuitions must involve relations constituted by the synthesis of the mere *forms* of intuition.

53. The notion that the conceived object can be isolated —thought of apart from its relation to the whole of experience—appears in Kant's explanation of the 'postulates of empirical thought.' [1]

According to Kant, if, having conceived an object, I go

[1] P. 192, ff.; p. 161, *Tr.* Cf. the statement on p. 193 with that on p. 204.

on to inquire whether it is merely possible, real, or necessary, the asking and answering of these questions in no way affects the object, 'object' here meaning a thing thought of under a definite complex of attributes, which is neither increased nor diminished by the affirmation or denial of its reality.[1]

The possibility of mere *conception*, according to Kant, depends on its not involving contradictory attributes. The 'possibility of such an object as is thought in the conception' is another matter. The possibility of such an object constitutes the 'objective reality' of the conception itself. It depends either on (*a*) laws of construction in space, or (*b*) on its being capable of connection with the whole of experience according to the 'analogies of experience.' (*a*) are objectively valid 'because they contain *a priori* the form of experience in general'; in other words, because 'the formative synthesis by which we construct a triangle in imagination, is the very same as that we employ in the apprehension of a phænomenon for the purpose of making an empirical conception of it.'[2] As to (*b*), the question is whether, supposing certain uniformities and sequences of phænomena ascertained according to these analogies, the conceived object is consistent with them according to the same analogies. How can this question be answered without further 'determination of the object'?

'The principles of modality are not objectively synthetical.' 'They predicate of a conception nothing more than the procedure of the faculty of cognition which generated it.' This is true and important, if it means that the distinction of possible, real, and necessary is a distinction *ex parte nostra*, a distinction arising from the character of our intelligence as *in development*; i.e. from the fact that the *principle* which forms the unity of the world (which is also the principle in virtue of which I am I) is communicated to us, while yet the *details*, which that principle makes one, are not only not communicated to us fully, but never can be, since in respect of our animal nature we are among these details. It is not that there are three sorts of object, the possible, the real, the necessary, but that the real world is

[1] P. 409; p. 368, *Tr.* Cf. Hume, *Treatise*, B. I, Pt. III, sec. 7. 'When I think of God, when I think of Him as existent, and when I believe Him to be existent, my idea of Him neither increases nor diminishes.'

[2] P. 196; p. 164, *Tr.*

known to us through a succession of experiences, which the unity of the understanding renders a whole of mutually qualifying elements, and that thus to us in any stage of experience there are many possibilities of which we cannot say yet whether they are real; they are *possibilities*, as not being inconsistent, according to the formal conditions of experience, with our hitherto experience, but possibilities of which we cannot say that they are *real* because our hitherto experience is only a part of possible experience.

54. Kant's error (I think) lies in treating *such* possibility as 'objective possibility.' It is not objective possibility, unless consistent with the whole order of the world as it is, and whatever is possible in this sense is also real. In this latter (the true) sense of the 'objectively possible,' it is quite true that the object, when from being possible it becomes real, is 'not farther determined,' but only so because in this sense the possible and the real are the same. To the *objectively possible* in the above sense, the occurrence of a sensation (a new perception) on our part makes no difference. To the *subjectively possible* it may make a great difference. It may verify or falsify an hypothesis. A 'subjectively possible' conception must precede every experiment. The experiment shows whether a relation of phænomena, supposed to be possible, is real or not. Through it nothing becomes real that was not real before. 'Is it not the case, however,' it may be said, 'that through it what was *conceived as possible* comes to be conceived as real, and that without any change in the content of conception?' No, because the experiment always involves the analysis of some phænomena not analysed before; it enables you to judge that *a* really always accompanies *b*, whereas before you only guessed it, because after a crucial experiment you are able to set aside all conditions in the complex phænomena, which included *b* and which *a* had been found to follow, except *b* itself.

Thus taking the 'possible object' in one sense, it is quite true that the occurrence of a perception corresponding to it makes no difference to its content; but of such an object it is unmeaning to say that, through the occurrence of perceptions, from being possible it becomes real. Taking 'possible object' in another sense, it is quite true that the occurrence of a perception converts its possibility into reality, but in doing so, it further *determines the conception* of the object.

H. *THE DISTINCTION BETWEEN 'OUTER' AND 'INNER SENSE.'*

[See especially *Krit. d. r. V.* pp. 197-200; pp. 166–169, *Tr.*]

55. THE distinction between outer and inner sense cannot be explained (1) as a distinction between consciousness due to 'external' and that due to 'internal' stimulus, because (*a*) nervous stimulus cannot be distinguished into outer and inner; and (*b*) because 'outer' sense means the sense of an outer object, 'inner' the sense of an inner object, and the nervous stimulus of consciousness is not the object of consciousness; nor can it be explained (2) as the distinction between 'ideas of sensation' and 'ideas of reflection,' between 'impressions' and 'ideas,' between perception and memory or imagination, because (*a*) to any consciousness of an 'outer' object the second member in each of these pairs is as necessary as the first, and (*b*) the object of consciousness, as such, may be just as much outer when there is no sensation present as when there is. When I remember my house, the object of consciousness is as much 'outer' as when I am looking at it. A remembered pleasure is not an outward object, but no more is a pleasure at the time of being experienced. Thus the difference between outer and inner sense lies in the relation of the object as an object of consciousness, not in consciousness as apart from the object. The relations of the house on the one side, of the pleasure on the other, as objects of consciousness, being the same whether the house is perceived or imagined, whether the pleasure is being enjoyed or remembered, the difference between perception and imagination, between enjoyment and recollection, is not a difference between inwardness and outwardness of the 'sense.' We are thus brought to adopt as the only tenable distinction between outer and inner sense that between the consciousness of objects as related to each other, not to the conscious subject, and the consciousness of objects as changes in the state of the

conscious subject. Thus it is really a distinction, not between two sorts of sense as such, but between two sorts of intellectual interpretation of sense, two functions of the understanding in the connection of phænomena.

56. In most passages, at any rate, Kant uses 'internal sense' for the consciousness of changes as in oneself, in the way described. It is this which, as 'empirical apperception,' or the 'consciousness of self according to the determination of our states in internal perception,' he opposes to 'transcendental apperception.'[1] It is of this, again, that he is thinking when he shows[2] that 'internal experience is possible only mediately and through external experience,' because 'consciousness of my own existence as determined in time' implies a 'permanent something external to me,' in relation (contrast) to which alone a consciousness of time is possible, and which cannot be one of my 'representations,' because, if it were, it would be in time, and thus not permanent. This is Kant's reply to 'problematic idealism,' which he affiliates to Descartes, the doctrine that the only immediate certainty lies in the consciousness of one's own existence, and that the existence of the outer world is known mediately or inferentially through this. Kant retorts that in order to such consciousness, as of the succession of my inward states, there must already be knowledge of that which is supposed to be inferred from it, viz. of a permanent something other than these states, in order to render consciousness of their succession possible.

This outward something, however, as Kant understands it, cannot be 'outward' according to the ordinary meaning of the term. For, according to the rest of his doctrine, it must result from the determination of phænomena (the modifications of sensibility) by the 'unity of apperception' or the principle of this. The 'permanent something,' according to him, it is true, which must be known in order to render the consciousness of succession possible, cannot be the 'transcendental ego' itself, because this is not knowable from the want of a corresponding phænomenon. It must be what (in the account of the first 'analogy of experience') he calls 'substantia phænomenon.' It is very difficult to make out how he understands this. It is the 'permanent' or 'real' in phænomena, but implies determination of these by

[1] P. 572; Mahaffy's trans. *loc. cit.* p. 200. [2] P. 199; p. 168, *Tr.*

the category of substance, a particular 'function' of the unity of apperception.

57. Now Kant is quite right in saying that 'inner sense,' as consciousness of successive modifications of one's state, implies outer experience, the conception of permanent objects other than such modifications. It is a mistake of 'metaphysicians' to say that we are primarily conscious of ourselves, in the ordinary sense of the words, or of our states *as ours*. In order to such consciousness we must already have been conscious of objects, neither as distinctly outer nor distinctly inner, and have gradually come to distinguish our own changes from what we suppose to be permanent in them. It is true that only through modifications of sensibility, determined by the presence to them of the thinking subject, are we conscious of objects at all. But in the order of our experience, the consciousness of objects precedes reflection on the conditions of their presentation as *ex parte nostra*; precedes and determines the 'inner sense,' according to the meaning which we have so far attached to it. We see things before we are conscious of the sensation of sight *as a sensation*. To have a sensation is different from being conscious of having a sensation; and not only so, but that determination of sensations by the self-conscious subject (the subject present to and distinguishing itself from all) which is necessary to their becoming the *sense of objects*, is different from the consciousness of having sensations.

58. The question, however, arises, (1) whether the sense of objects, as preceding such 'inner sense,' is properly considered 'outer'; whether the distinction of 'outer' and 'inner' does not represent a process of reflection subsequent to the consciousness of objects, and of which the two sides are strictly correlative, neither being prior or sequent to the other; (2) whether, when time is called the form of 'inner sense,' there is not a confusion between modifications of sensibility (properly neither outer nor inner, and of which alone there is any case for calling *time* the form), and consciousness of such as of changes in my state in opposition to objects other than me, which is properly 'inner sense,' but of which time is no more specially the form than of any other consciousness of change.

(1) Looking to the consciousness of a 'permanent something' which is the condition of the consciousness of my

states as successive, there is nothing in either of the factors from which it results, either in the phænomena, modifications of sensibility, which in themselves are neither outer nor inner, or in the 'unity of apperception,' to qualify it as outward. It only becomes 'outward' in so far as consciousness of changes as in my state is awakened and opposed to it. As an *antecedent condition* of such consciousness, it is not outward any more than inward.

As to question (2), it is clear that time is the form of all change. There is no propriety in calling it the form of *inner* sense according to the above meaning, unless it be true that changes are only in time so far as reflected on as successive modifications of my state, which was not what Kant meant. He regarded 'time' as the form of all phænomena, as modifications of sensibility, and only came to speak of it as a form of *inner* sense from the confusion of such modifications with the consciousness of them as changes in me in opposition to changes in things.

59. His double usage of 'internal sense' appears on pages 127–129 (*Tr.* pp. 93–95). He first uses 'internal sense' for that which 'represents to us our own consciousness, only as we appear to ourselves, not as we are in ourselves . . . ourselves only as inwardly affected;' in short, 'empirical apperception.' But he proceeds, 'That which determines the internal sense is the understanding,' &c. But it is only the determination by the understanding which yields 'internal sense' according to the above meaning. The text implies that there is *first* internal sense, and that then it is determined by the understanding. But without such determination there is no sense of *objects* at all, much less a sense of objects as distinguished into outer and inner, since without it there is no 'synthesis of the manifold.'

In truth, the 'internal sense' of the paragraph beginning 'That which determines,' &c., and of the following, is not the 'empirical apperception' of the preceding paragraph, but simply the sensuous as a manifold in time, which according to Kant all the sensuous is, though somehow some of it is also a manifold in space. Kant then uses 'inner sense' in two meanings: (1) for the sensible as a manifold in time, which *all the sensible* (according to him) is; (2) for 'empirical apperception.' In the second meaning, according to his own showing, it presupposes the action of the under-

standing. If confined to the first meaning, (*a*) there is impropriety in calling time a form of *inner* sense, taking 'sense' apart from the determination which Kant ascribes to understanding; there is nothing to distinguish it as *inner* except the form of time itself; 'inner sense' = sense in time. 'Time is the form of inner sense,' then = 'time is the form of sense as in time.' (*b*) It does not appear how, space and time being alike forms of the sensible apart from the action of the understanding upon the sensible, while time is the form of all sense as such, space should yet be the distinguishing form of a certain sort of sense. Kant says, 'The internal sense contains merely the form of intuition, but without any synthetical conjunction of the manifold therein;' but if it 'does not contain any determined intuition,' how can it contain the 'form of intuition'? To 'contain the form of intuition' must mean that it contains the relation of succession, the relation in virtue of which the data of sense are one before, one after, the other. No doubt it really contains this relation, but only through the synthesis effected by 'apperception.' Kant immediately afterwards says that the conception of succession is derived from motion, as 'an act of the subject' by which it 'determines the internal sense according to its form;' and 'such synthesis of the manifold' (as that which yields the conception of succession?) 'the understanding does not *find* in the internal sense, but *produces*, in that it affects this sense.' It is admitted, then, that only an act of understanding can constitute that 'synthesis of the manifold' which is necessary to the conception of succession. The question is whether there could be succession, time, or 'form of inner sense' itself, without such synthesis. Kant seems to have thought there could be, and hence speaks of time as belonging to the determinable, or as itself the determinable, prior to the act of determination by the understanding.[1] In fact, he never gave up the notion that the sensuous or determinable (what has *yet to be determined*) is given to the understanding under two distinct modes of multiplicity, as a manifold in space and a manifold in time. Though considering it merely deter*minable*, he yet assigns to it such actual determination as relation in space and relation in time constitute.

[1] P. 130, note; p. 96, 7*r*.

60.[1] There is the distinction (*a*) between sensation and perception; (*b*) between perception and memory or imagination; (*c*) between sensible objects as successive, and sensible objects as coexistent and mutually limiting.

When Kant calls time the form of inner sense, space of outer, he has in view the last distinction, but he speaks as if there were some other distinction than this between objects of outer and inner sense—a distinction conveyed by these terms 'outer' and 'inner'—and as if the distinction between the determination by the form of space and the determination by the form of time were found to go along with this independent distinction between objects of outer and of inner sense. He does not treat the distinction between the form of space and the form of time as *constituting* that between outer and inner sense, but the latter as existing on independent grounds, and the former as happening to coincide with it.

On examination we find (1) the distinction between outer and inner sense untenable in itself, and (2) that, if we take it—under a protest against the use of the terms 'inner' and 'outer'—to represent (*a*) or (*b*) above, then distinction (*c*) will not coincide with it.

There is (*d*) the distinction between the consciousness of objects as given—whether perceived or remembered, whether given through the senses of sight and touch, or those of hearing and smelling—and the consciousness of changes of my state implied in the giving of such objects.

In itself, the presentation of an object is neither outer nor inner (or, if we like, *both* outer and inner). It is the presentation of an object through being a change of consciousness. It has its outer side in the relation of the object to other objects, its inner side in the relation of the modification of consciousness to other modifications of consciousness (the latter being the condition of the former).

When objects have been presented, however, attention may be directed to the modification of consciousness implied in the presentation, and attention so directed may be called 'inner sense.'

It may be held that such 'inner sense' yields first the consciousness of mere time, as a relation (though not of

[1] [This section, which is partly a *résumé* of the preceding five, is from a detached sheet of manuscript.]

objects related in the way of succession). This, however, is not what Kant meant in calling it the 'form of inner sense.' He meant that it was a relation between changes of consciousness; but these are not really different from the presentation of objects through them, which he called 'outer sense.'

Time exists for consciousness in presenting its own modifications to itself.

Space exists for it as presenting objects under a condition which is the reverse of that under which its own modifications are presented.[1]

[1] [Compare what is said on 'outer and inner sense' below in the lectures on Mill's Logic, sections 98–101.]

I. *THE 'EMPIRICAL REALITY' OF TIME.*

[See especially *Krit. d. r. V.*, pp. 346–350; pp. 307–310, *Tr.*]

61. THE objection to the Kantian doctrine of space and time, which presents itself to every one, is that the 'empirical reality' which he allows them is not enough. As he expressly says, it is a reality conditioned by forms of human sensibility.[1] How then could there be space and time when as yet there was no such sensibility? Is not that according to Kant equivalent to asking how there could be time before the possibility of time? Yet does not all science show that there were (to say the least) bodies moving, i.e. successively occupying different places, and of which the conditions changed, long before there was man? whereas Kant tells us that changes presuppose time,[2] and motion presupposes both space and time.

62. *Time.*—Kant is quite right in opposing the notion that things qualified by relation are given independently of thought or the mind, and that we then proceed to abstract relations, and among them, as the most universal, that of time. But on his own part he is wrong in putting the case as if time were first given by the mind as a 'form' or relation ('as that which effects that the content of phænomena can be arranged in a certain manner'), and that then objects are fitted into this form. 'Time' is an abstraction (a relation abstracted from the related objects in which reality lies), though not an abstraction from *a world given independently of thought.*

It is a mistake to speak as if time rendered change possible: the same sort of mistake as to say that separation of interests renders the state possible. When you come to analyse what is involved in the existence of a state, you find that if all interests were identical, there would not be a state. On the other hand, the state tends to overcome, and,

[1] Pp. 61–62; p. 26, *Tr.* [2] P. 69; p. 32, *Tr.*

so far as it approaches perfection, actually overcomes, separation of interests. In other words, just so far as there is a state, interests no longer are merely separate. In the state, separation of interests may be said to exist as one factor of the reality, but as in one sense neutralised by the other factor, which is its opposite, viz. the sense of common interest. Neither would be what it is without the other, but in the state neither retains any separate reality. So in real change, time, as a mere relation in virtue of which *this* is over before *that* begins, has no real existence. Let a process of change be represented as states *b*, *c*, *d*, &c. of something other than the states, which shall be called *A*. State *b* determines *c*, and *c*, as determined by *b*, determines *d*; so that *b* and *c* have not really ceased to exist in the existence of *d*; and *A*—that of which they are all states—continually determines or exists in all. Here, then, is no mere or absolute *before* and *after*. The relation of time is involved in the reality of change, but only as one factor of the reality, of which the other is its opposite, viz. the qualification of the state existing at one moment by states existing at other moments in virtue of a law or subject equally operative in or constitutive of all. Except as neutralised by this opposite factor, time has no reality; it is a mere abstraction. In short, there is really no such thing as *mere* time; it only exists for our *abstracting* intelligence. Let us come then to real change, or motion, or the succession of events in a definite universe where each is qualified by all, the world of becoming. (1) Is such a world possible except for a thinking subject? (2) If not, is there for such a subject what we mean by time? (3) For such a subject, or in its reality, has the world of becoming a beginning and end?

63. It has been sufficiently shown that the 'cosmos of our experience' is only possible in relation to a thinking subject, as that for which appearances, past *as feelings*, are present as facts determining and determined by all others. 'This,' it may be said, 'may be true of the cosmos of our experience, but how can it be true of that which is not phænomenal, as must have been the world (the series of events) that preceded sentient life?' The answer is that it is not our sentience that is the condition of there being for us a phænomenal world, though the fact that we are sentient (and, so far, merely parts of this world) limits (renders inadequate)

the mode in which we understand it, i.e. in which it exists as a phænomenal world for us. The condition of there being for us such a world is the existence of a reason, which we call ours, but which we cannot suppose, without hopeless contradiction and confusion, to have begun with our sentient life, any more than we can suppose the principle in virtue of which we say 'we' or 'ours' to have begun with that life. There is no meaning in speaking of a series of events, 'revealed to us by science' as antecedent conditions of life and sentience, which must have taken place when as yet life and sentience were not, as if they did not belong to our phænomenal world, 'the cosmos of our experience.' They are conditions of what we experience, determined just as much by relation to what we experience as it by relation to them. Limit 'our experience' to the succession of our feelings, and there is no 'world of experience.' Extend it so as to mean that which determines our feeling, and it must include conditions antecedent to the appearance of sentient life just as much as any other. If 'science' reveals such conditions, the right inference to draw is, not that the world is independent of thought, but that thought, the condition of there being such conditions, does not come into being as a development of life and sentience.

64. Admitting, then, an eternal thinking subject, as the *correlatum* of nature, without which nature could not be, what is nature for such a subject? The answer is, it is just what it is for our reason, which *is* this eternal thinking subject.[1] It is not essential to there being a nature for us that we should be sentient.[2] Facts of sense exist for us as understood, or as constituents of a nature, when no longer felt. Nor, as merely felt, are they facts for consciousness at all. The circumstance that we not only know what facts of feeling are, but ourselves feel, so far interferes with our knowledge. For reason (and, except for reason, there is no

[1] In us the function of reason, as rendering a nature possible for our consciousness, is not its sole function. It renders morality possible too. And if we speak of the eternal subject as God, we must not suppose, because God renders nature possible, that this is the full account of God. He must at least render morality possible too.

[2] It is through our sentience (and the life on which sentience depends) that we are parts of nature; but just so far as we are parts of nature there is no nature for us, i.e. as the object of our consciousness. It is not as sentient that we are able to present nature to ourselves as an object, nor, if there were nothing but successive feelings, would there be a nature at all. But it is equally true that without feeling there is no nature.

nature at all), nature is a system of becoming, which rests on unchangeable conditions. Subject to these conditions, new events take place. The state of the natural world to-day is what it never exactly was before. But it had its necessary possibility in the state of yesterday, just as that possibility has its necessary realisation in the state of to-day. Such is nature for that thinking subject which renders nature, as an object, possible for us, and there is no reason to suppose another such subject for which it would be anything different. No doubt nature in other ways is wholly different to us from what it would be to a being that was not, as we in virtue of our animal life are, *part of it*. We understand that it is the system described; but to us, as we are at any moment of our lives, all nature but a little part is 'expunged and rased.' Nature brings each man at every moment his own joy or sorrow, which is no one else's. Save in respect of the formal conditions of knowledge, every one finds nature different from what every one else finds it; much more, except in that respect, must it be different for each man on the one side, and on the other for the thinking subject in its full reality, which must be determined by relation to the whole of nature. Thus, though nature is really, or for the eternal thinking subject, for God, what it is for our reason (i.e. for this subject as enabling us to present a nature to ourselves), when we come to say what it is for our reason, we cannot get beyond the mere formal conditions of there being a nature at all. We do no more than state these when we give such a formal definition of nature as the above.

65. This definition immediately suggests the question, Has nature (the system of becoming) a beginning and end? and if so, what? A beginning of nature would be an unconditioned occurrence[1]; an end of it would be conditions that had no effect. A beginning and an end of nature thus alike involve contradictions. In another sense, indeed, nature may be said to have beginning and end, each being God, since the thinking subject is the condition of its possibility, and, as yielding man who shares the divine consciousness, it returns to God. But the process of nature, in yielding man, does not come to an end as a process of becoming.

[1] The 'primitive matter' of the evolution theory, which contains the 'promise and potency of all forms of life,' is either nothing at all, and can explain nothing, or else is so conditioned as to be virtually already all that is 'evolved' from it; but if so conditioned, it is not an absolute first, not unqualified matter.

Are we to hold (*a*) that the world of becoming has beginning and end in time and space; (*b*) that it has no beginning or end; or (*c*), if we find it equally impossible that it should, and that it should not, have beginning and end, are we to hold that this equal impossibility belongs to its real nature, or (*d*) that it is due to the infirmity of our thought?

It is the condition of every event that it has an antecedent event. There can then be no stoppage in regress from event to event, for any *first* event would be indeterminate, would be nothing. On the other hand, a determination of any event (of any *now*) by an indeterminate series of events would be no determination at all. For the same reason, then, for which we deny that there can be a first event, we must deny that events form an endless series.

66. Kant would say that, though this contradiction does not affect or relate to 'things in themselves,' it is inherent in the nature of empirical reality or the world of experience; and when we have given this 'world of experience' the full extension which his theory logically requires for it, there remains nothing outside it, nothing to be a 'thing in itself,' but the unconditional thinking subject itself, which is the source of the categories.[1] The 'world of experience'= sensibility as related to reason, and in consequence of that relation determined by the categories, 'conceptions of the understanding' which connect all 'modifications of sensibility' (phænomena) with each other, so that they become a changing world. The contradiction between having a beginning and not having one is a necessary incident of this world. The unconditioned subject in relation to feelings renders them changes, for which a beginning must always be sought and can never be found, or—to vary the expression—of which it is the nature to involve the contradiction of being each determined by an indeterminate series. Thus the contradiction involved in 'our conception' of change arises out of the relation of reason to sensibility as constituting the knowledge of nature; but, according to Kant, this relation

[1] Thus in itself, as distinguished from its work in constituting the world of experience through relation to sensibility, what right (it may be asked) have we to ascribe any such separate existence to this subject? Its reality must lie in its function—i.e. in the nature which results from the relation of reason to sensibility. The Kantian answer would be that the fact of morality—of action at least *affected* by the judgment 'I ought'—shows it to have another function than that which yields nature.

also constitutes the 'empirical reality' of nature; therefore the contradiction belongs to this reality.

We then come to the difficulty how the relation of reason to sensibility can constitute the reality (in any sense, 'empirical' or other) of what took place before there was human sensibility.

In regard to events which took place before there was man, are we, from Kant's standpoint, to suppose (*a*) that, though prior, they come into being so far as man finds them necessary to explain the phænomena of his experience, i.e. that their very prior existence is made by knowing man? or (*b*) that their relation to a future human sensibility was the condition of their prior existence, as an existence for intelligence? or (*c*) that before man was they existed in relation to a present sensibility, a sensibility of which that in each of us is in some way a reproduction?

67. Kant certainly uses language which seems like view (*a*). 'In the transcendental æsthetic,' he says, 'we proved that . . . all objects of a possible experience, as presented to us—as extended bodies or as series of changes—have no self-subsistent existence apart from human thought.'[1] This may be admitted, and yet it may be held that 'human thought, sensibility qualified by reason, does not begin with the 'appearance of man upon the earth;' that it, and with it the possibility of nature, exists eternally in God; so exists as a mode of the spirit, in freedom from the delusions which arise in each man, (*a*) from his knowing no other mode of the existence of spirit than that which constitutes nature, (*b*) from the limitation in his knowledge even of this—from the limitation of his *experience*.

On the other hand, two passages[2] would seem to imply that objects which we may come to discover either as now existing in space, or as having existed in past time, only so exist in virtue of the discovery, only exist when discovered. These passages look like a virtual admission of Berkleyanism

[1] P. 346, ff; p. 307, *Tr.*

[2] 'That there may be inhabitants in the moon, although no one has ever observed them, must certainly be admitted; but this assertion means only that we may in the possible progress of experience discover them at some future time' (p. 348; p. 308, *Tr.*) 'The things that really existed in past time . . . are to me real objects only in so far as I can represent to my own mind that a regressive series of possible perceptions . . . conducts us to an elapsed series of time as the condition of the present time' (p. 349; p. 309, *Tr.*). (Kant leaves unexplained the difficulty how a 'progress of experience' becomes also a 'regressive series of perceptions.')

(*esse=percipi*), qualified merely by a recognition of the work of thought in constituting the connection between sensuous representations, without which there are no perceived objects. He admits, indeed, a 'transcendental object of experience' in which these empirical objects, which we come to discover, may be said to be given, and which itself 'exists prior to all experience'; but this, he explains, is merely the 'intelligible cause' looked at in a particular way, viz. as corresponding to our receptivity; and one cannot find any consistent view of such 'intelligible cause' in Kant except as the 'transcendental subject' which conditions the connection between phænomena. To say that they are given in the 'transcendental object' is either a mere fiction of ours, or it must mean that they are given in the transcendental subject. In this, however, in so far as it is related to a sensibility, either they are not really 'given' at all, except as gradually discovered; or, if we say that we only discover what is already given to be discovered, that sensibility, which in relation to reason is the condition of their existence as discovered, must also be the condition of their existence as 'given.'

We cannot explain their existence as 'given'—their existence before the progress of our experience yields them to us—on the supposition (*b*), i.e. of a relation, existing for an intelligence without sensibility, to a future sensibility. Such a relation is really a contradiction in terms, for the sensibility supposed, if any relation to it is to exist for the supposed 'pure' intelligence, must be present to such intelligence; nor, since sensibility is a condition of there being time, could the relation expressed by 'futurity' exist for an intelligence unrelated to sensibility.

As a series of perceptions *ex parte nostra*, that which 'conducts us to an elapsed series of time as the condition of the present time' is a progress, not a regress. Just as, if we take Hume's doctrine of cause and effect strictly,—i.e. take it as reducing the relation to mere sequence of our feelings,—we are met with the difficulty that the feeling called effect occurs to us before that called cause as often as otherwise (*e.g.* 'fire causes warmth'=the sight of fire always precedes the feeling of warmth, but it is a mere chance in any case whether I see the fire before I feel it, or *vice versa*), so it would be with Kant's doctrine if we took it to mean that the reality of past events consists in our

coming to discover them. We must either understand the 'progress of experience' to mean a succession of phænomena issuing in some given perception, as regarded from a supposed point of view in the past from which it appears as a *progress*,—i.e. not as a process *ex parte nostra*,—or, if we take it as a process *ex parte nostra*, we must say that it is one in which we retrace the real progress from phænomena to phænomena, and that, as such a retracing, it is a regress; a progress, indeed, on our side from a given perception to a later perception, but a regress as from the given perception to really earlier phænomena. Such progress or regress will not constitute, but only reproduce for us, the reality of the past phænomena; and this 'reality of past phænomena,' if 'phænomena' means anything, implies a sensibility to which they were relative, other than, though reproduced in, the series of perceptions *ex parte nostra*.

68. (*c*) is the only tenable view. Sensibility is the condition of existence in time, of there being events related to each other as past, present, and future. Ask yourself what meaning the terms 'now' and 'then' have except as derived from a relation between a perpetually vanishing consciousness and one that is permanent, and you find they have none. 'Time' is simply the relation between any 'now' and 'then.' When we say that there was time or there were events in time before man began to exist, we mean that there were events, of which each was thus related to another as 'now' to 'then.' When we speak of time that has elapsed between one event and another—between, *e.g.*, the battles of Marathon and Waterloo—we mean that a definite number of periodic changes, each consisting in the departure of the sun from, and its return to, a certain apparent position relatively to the earth, have taken place in the interval. When we speak of a lapse of time, 'millions of years,' before the formation of the solar system, we mean, I suppose, that between some one point in it, *a*, and another, *b*, events took place, during the course of which, if they had happened under the solar system, so many revolutions of the sun (or earth) would have been completed. But all these expressions about 'events' and 'happening' and 'taking place' imply or derive their meaning from a sensibility, of which the perpetually vanishing modes are held together by a subject equally present to, and distinguishing itself from, all of them.

Thus it appears that changes, and time as the relation of before and after between changes, presuppose a sensibility determined by reason. Just as each man in fact can only think a past before he was by throwing back his sensibility ('If I had been there, I should have seen it'), so the possibility of changes prior to the existence of feeling on earth or anywhere else must have lain in a sensibility which never was not, in such sensibility as is related to a self-distinguishing subject. Such sensibility is the eternal condition of time. Out of it, in relation to reason, arises the eternal fact of change or 'nature,' carrying with it the contradiction of determination by endless antecedents. (As Aristotle said, *πᾶσα φύσις ὕλην ἔχει*; there must always be a residuum of unintelligibility in nature; it would not be nature otherwise.) Such 'nature' is at once not God, and that without which God would not be what He is. Not God, because reason, which in relation to sensibility constitutes nature, exists in other modes also. Its action in us, as distinguishing itself from nature, and, through such distinction, issuing in art and morality, may show us this.[1] *What* more than the condition of the possibility of nature God is, only man's achievement in art, morality, and religion enables us to say.

69. To return, then, to the three questions asked above,[2] the answer to (1) is, that nature, or the world of becoming, is not possible except for, or in relation to, a thinking subject; to (3), that for such a subject (in relation to an eternal sensibility) nature involves the contradiction of determination by an indeterminate series—absolute beginning can neither be affirmed nor denied of it; to (2), that for such a subject, in the same relation to an eternal sensibility, 'time' exists, as involved in change, though not in the abstraction which is a fiction of our human intelligence.

My excuse for this 'metaphysical' treatment of these questions is that men of science do not help us about them. They sometimes talk as if science proved that the world must come to an end and must have had a beginning (which again they sometimes tell us must have been 'an arbitrary fiat of a creator,' which they leave a mere phrase); but on examination one finds that they do not mean *absolute* begin-

[1] Art, whatever else it implies, implies a joy in nature which impels to representation of it; and the condition of this is self-distinction from nature.

[2] [Section 62.]

ning or end, but merely transition into or out of a state in which the ascertained laws of matter are applicable to it. Nor does science seem able really to account for the appearance of sensibility on earth or elsewhere, in such a way as to dispense with the supposition that this appearance is a manifestation in time of its eternal existence as the condition of there being time.

LECTURES ON THE PHILOSOPHY OF KANT.

II. THE METAPHYSIC OF ETHICS.

Note of the Editor.

Of the following discussions on Kant's Moral Philosophy the main portion (K, L, and N) formed part of Green's first two courses of professorial lectures, delivered in the summer and winter of 1878. The subject of these courses was what he understood as the 'Metaphysic of Ethics,' i.e. (1) the inquiry into the determination by motives as that which constitutes freedom, in the sense in which *all* moral action is free; (2) the inquiry into the relative worth of motives, or the conception of the chief good. Most of these lectures were subsequently embodied in his *Prolegomena to Ethics*, but they contain a fuller statement and criticism than is there given of the cardinal points in Kant's theory, and these portions are printed here. The date of M is fixed by a reference to the 2nd edition of T. K. Abbott's work, *Kant's Theory of Ethics*, as not earlier than 1879. The MSS. from which O and P are taken belong apparently to the same group as those which were used for the professorial lectures of 1878.

The references, as before, are to Hartenstein's edition of Kant's works, of which vol. iv. contains the *Grundlegung zur Metaphysik der Sitten*, and vol. v. the *Kritik der praktischen Vernunft*: the translation referred to is that of T. K. Abbott in the work mentioned above.

II. THE METAPHYSIC OF ETHICS.

K. *THE DISTINCTION BETWEEN 'NATURAL' AND 'MORAL' AGENCY.*

70. WHAT is the province of moral philosophy? 'It deals with man as a moral agent,' but what is moral agency? Is there anything about it to distinguish moral philosophy from natural science? There is an anthropology which is simply a branch of natural science. It regards man, like any other animal, as a mere result of natural influences; inquires how by a long course of adaptation to environment the human animal has been so modified as to be what he is; what are the chief varieties of this animal, and how they are to be accounted for. There is no doubt that anthropology so understood is a valid science. Is moral philosophy merely a branch of it? an inquiry into certain secondary modes of pleasure and pain, arising from adaptation to a social environment, which determine the actions specifically called moral, and into the bearing of such actions upon the further natural production of pleasure? If so, it is a purely natural science, moral agency being merely a most complicated form of natural agency, complicated by the development of the social 'medium' or 'organism,' and its reaction upon the individual.

71. On the other hand, we may draw an absolute distinction between moral and natural agency. The formula for such distinction is best given by Kant: 'Everything in nature works according to laws; the distinction of a rational being is the faculty of acting according to the consciousness ('Vorstellung') of laws, i.e. according to principles.' These laws may be merely natural laws; still an agent determined

merely by them (or, more properly, by another agent according to them) is essentially different from an agent determined by the consciousness of them; and if man is an agent of the latter sort, there will be place for inquiry, quite distinct from natural science, into the forms of 'inner life' arising out of this consciousness, an 'inner life' to which the index will be the language and institutions of men ('language,' not as the mechanism of speech, but as its content, that which is said).

[After an argument substantially the same as that of the *Prolegomena to Ethics*, the conclusion is arrived at, 'that the experience of man as distinguished by unity of consciousness, or self-consciousness, or general conceptions, or conception of laws, forms a distinct object of inquiry, with which 'anthropology' as a physical science cannot deal.' Of this consciousness there are 'two parallel activities (parallel in the sense that they do not meet, cannot be brought to a common point); one yielding nature and the sciences of nature, the other yielding the moral life. Corresponding to these two exercises of reason are two forms of philosophy, each distinct from any kind of natural science. The object of one is to answer the question, What conditions on the part of consciousness are implied in the fact that there is such a thing as knowledge, or that a 'cosmos' arises in consciousness? of the other, to answer the question, What are the conditions on the part of consciousness implied in the fact that there is such a thing as morality?' The lecture then continues as follows.]

72. The view here stated, of the distinction between the natural sciences (or sciences properly so called) on the one side, and the inquiry into the functions of reason as (1) theoretic and (2) practical, is founded on that of Kant. Nor is it possible to discuss the present state of the question in regard to the possibility of moral philosophy, as distinct from a natural science of anthropology, without taking Kant's *Critique* as the point of departure, whether one altogether adopts his conclusions or no. Some account must also be taken of the question as to what is implied in the possibility of natural science, before the parallel question as to morals can be dealt with. Until we have satisfied ourselves that the

existence of a science of nature implies a principle in man which is not natural, the suggestion will always be returning that man, as a moral agent, is merely a very complicated natural phænomenon, to be treated as such by a purely natural science.

73. The most striking, and at the same time most true and significant, expression of Kant's doctrine of knowledge is the statement that 'the understanding makes nature.' It is agreed that all which exists for us is what is given in experience, but we speak of experience as depending on real things or objects or an order of nature. We distinguish the merely subjective or fanciful in our impressions from the objective, on the ground that the former consists in ideas that 'we make to ourselves,' or in arbitrary interpretations of experience, as distinct from impressions which real objects make on us, or relations between impressions in the way of natural cause and effect. What then are real objects, order of nature, natural relations of cause and effect? Macbeth's vision of a dagger is mere vision, merely subjective; there is no real object causing it. What then would have been the real object if it had not been a mere vision? There would have been a certain combination of moving particles, irritating the optic nerve in a certain way, and such as under certain conditions would produce many other sensible effects. But in saying this we have been describing a complex of relations, any one of which implies all the rest and derives its nature from the whole universe of possible experience. The real object is this complex of relations. There is no thing in which they reside or to which they belong, no object other than that which they constitute. Just as the real object, corresponding to or represented by any particular sensation, consists in the fact that this sensation is related in a particular way to other possible sensations, so the objective world as such or altogether consists in the series of such facts, in the system of relations between all possible sensations, all possible data of experience. Such a system of relations implies a single relating principle (a principle of connection or synthesis or unity) on the part of the consciousness for which (or as an object to which) the relations exist; a function exercised by consciousness, which yields this object consisting in a single system of knowable relations. This principle or function Kant calls 'understanding,'

or 'synthetic unity of apperception,' which 'makes nature,' according to him, in the sense that it makes the data of sense into one system of related elements, the succession of feelings into an experience of objects.

74. All the laws of nature, which we ascertain by experiment and observation, must, according to Kant's theory, be the work of understanding, connecting the data of sensibility according to certain forms; but we may distinguish the particular laws of nature from those ways of connecting phænomena which are necessary to there being a nature at all, the laws ascertained by experiment and observation from principles presupposed by experiment and observation. The latter Kant called pure or *a priori* principles of the understanding (e.g. 'all changes happen according to the law of the connection of cause and effect'). But though the understanding, according to Kant, 'makes nature,' it makes it out of a material which it does *not* make; 'macht zwar der Verstand die Natur, aber er schafft sie nicht.' It makes it by connecting 'intuitions,' data of sensibility, or phænomena given under the forms of intuition, space and time. Space and time are so far on a level with the 'forms of understanding' that they are (1) not sensations or results of sensitive experience, nor (2) conditions of 'things in themselves' as distinct from things of consciousness. They are conditions under which we are conscious of objects, but conscious in the sense of perceiving as distinct from understanding. Kant habitually writes as if perception ('intuition') preceded understanding, as if the functions involved in the two operations were different. Indeed, if we take his statements as they stand, it would seem as if nature or knowledge or experience of objects implied three factors, (*a*) the presentation of mere sensations ('Empfindungen') from an unknown source, (*b*) the determination of the matter so given by forms of the 'intuiting' consciousness, resulting in a mere manifold in space and time ('Anschauungen' or 'Erscheinungen'), (*c*) the unification of this manifold by understanding. This separation of mere sensation from intuition or perception, and of perception from intelligence, is generally admitted to be untenable. There *seems* to be a certain explanation of space and time in saying that they are conditions of a perceiving as distinct from an understanding consciousness, because, being familiar with the term perception, we suppose ourselves to know

something about it, which gives meaning to the account of space and time as its necessary forms. But what, according to Kant, can we say of perception (intuition) but that it is consciousness under the form of space or time? If we cannot say more than this, it is no explanation of space and time to say that they are forms of perception as distinct from understanding. In fact, all that can be said of the distinction between intuition or perception and understanding, according to Kant, is that one and the same consciousness of an object is an act of intuition in respect of the manifoldness of the object, i.e. in respect of its being an event following another event, followed by a third, and so on, or in respect of its having a plurality of spatially distinct parts, and an act of understanding in respect of that unification of the manifold, without which there is no relation, no object determined by relation (properly, no object at all). But whether the distinction of sensibility with its forms from understanding with its forms be tenable or no, it remains true that the consciousness in which nature, or the 'cosmos of experience,' arises, is subject to a certain condition in respect of the mode in which its material is presented to it, and that certain characteristics of nature and our knowledge of it arise out of this, or from the action of the unifying principle in relation to it. This is the condition which the Germans call 'Aussereinander-sein.' Intelligent consciousness is a perpetual process of unification of that which comes into consciousness in separation or bit by bit. Whether space and time are rightly treated as co-ordinate forms of this separateness may be doubted. It would rather seem that separateness in time simply was the distinguishing condition of what comes into intelligent consciousness so far as not yet affected by the unifying principle in consciousness, and that separateness in space, which implies coexistence and mutual limitation of the elements thus separate, is already a result of the action of the unifying principle upon data presented to it in succession, but which it combines, in negation of the succession, as coexisting parts of a whole.

75. Knowledge, then, according to Kant, is a process of unifying (of rendering into a perfectly interrelated whole) a material, which, owing to the conditions under which it *appears* (comes into consciousness), can never be completely unified. A complete or final determination of one phæno-

menon by other phænomena can, from the nature of phænomena, never be reached, because every phænomenon implies another, before it in time or beside it in space. We ascertain, e.g., the nature of a certain event as determined by antecedent events (or, as Kant would say, the understanding gives a nature to a phænomenon, to something that enters into consciousness, by connecting it with what previously appears or enters into consciousness); but just because it is phænomena with which it is thus connected, phænomena subject to the form of time, i.e. which come into consciousness in succession, these in turn imply previous phænomena, and so *ad infinitum*. The same insoluble problem meets us in whatever way we seek for totality in our knowledge, or try to regard the world as a whole. We do not know it completely, it has not completeness, unless it is made up of simple parts, and is limited in space and time; and each of these suppositions involves contradictions. The ultimate particles of which the world of experience is composed, if there are such, must occupy space, otherwise they would not belong to the world of experience at all; but space consists of spaces, and what occupies space must occupy spaces, i.e. must contain a manifold the parts of which are external to each other; therefore the supposed ultimate particles are composite, i.e. are not ultimate. In the same way, as every time implies a time before it, every space a space beside it, a limit of the world in space and time is a contradiction.

76. Clearly these insoluble problems, arising as they do out of the effort to know *completely*, originate in the same unifying principle in which, as determining the sensibility, all knowledge (and nature) according to Kant originates. Kant, however, is apt to call this principle by different names according as it acts, (*a*) in the way of connecting phænomena into a uniform cosmos, (*b*) in the way of suggesting the insoluble problems which arise out of this process of connecting phænomena. As acting in the former way he calls it *understanding*, in the latter way *reason*. Thus he treats understanding as the source of knowledge, reason as the source, not of knowledge, but of *problems*, or of *ideas* which cannot be realised in the relations of phænomena (and which are thus opposed to *conceptions* ('Begriffe'), since these always connect phænomena). These ideas are of the absolute or complete or unconditional in various forms. They have,

according to Kant, a regulative, though not a constitutive, use in knowledge, i.e. they do not serve to constitute or present to us an object, which can be known as absolute, complete, or unconditional, for to knowledge is necessary the presentation of an object as related to other objects in space and time in a manner incompatible with its being complete or absolute; but they regulate or determine that activity of consciousness which, in relation to the sensibility, under the designation 'understanding,' results in knowledge. The idea of there being an unconditioned is the source of the quest after a totality of conditions which forms the process of knowledge. Precisely the same principle in consciousness, therefore, which as reason is the source of the ideas to which no phænomena or relations of phænomena correspond, and of the problems to which knowledge can yield no solution, renders knowledge and nature possible. The ideas and problems of reason, in short, are simply the beginning and end of knowledge; the beginning, in the sense that in the consciousness of an unconditioned, which is reason's consciousness of itself, originates that search for a complete sum of conditions which constitutes the process of knowledge; the end, in the sense that the search for such a sum within the data of sensibility issues for the reasons given in insoluble problems.

77. Thus when it is said that according to Kant 'knowledge is merely of phænomena,' or of nature as the complex of (the system of relations of) phænomena, we must get rid of the notion that the object-matter to which knowledge is thus said to be confined is something apart from and independent of knowledge or the intelligence which knows. If we speak of phænomena, or the objects of knowledge, putting limits upon knowledge, we must remember that these limits are part and parcel of knowledge itself, that they are simply incidents of the knowing process; in other words, that the nature, to which the operations of intelligence are confined, is itself the work of intelligence, and the insoluble problems which nature presents to the understanding are the understanding's own making. It is the intelligent synthesis of phænomena which yields the insoluble problem of reaching completeness of synthesis; e.g. it is through the holding together by intelligence of times, the addition of spaces, that there arises the infinite series of time and space which seems to baffle intelligence.

We must remember, further, that, if knowledge is only of phænomena, or, more properly, only consists in the establishment of relations between data of sensibility, there is at least such a thing as a reflective analysis, whether we call it 'knowledge' or no, of what is involved in this process of knowledge (an analysis represented by Kant's own treatise), by which it is ascertained that the existence of a knowable nature implies that of a principle of union which is not itself part of the knowable nature, not one or any number of the relations which constitute it; an unconditioned, in relation to which alone the mutual conditioning of phænomena is possible; a consciousness of laws of nature, or rather a principle of consciousness which, in relation to sensibility, yields laws of nature, which is not itself subject to those laws of nature.

78. The question, then, arises (1) whether this principle of consciousness, called from different points of view the unconditioned, reason, and understanding, has any other function than that which is exercised in the constitution of intelligent experience, and of nature as = the cosmos of experience; and (2) if it has, whether there is a philosophy of it, and, if there is, how it is related to the knowledge of nature. Kant in effect holds that it has another function, one distinguished from that which constitutes knowledge, as being exercised in relation to desire.

[1] Desire is consciousness of a wanted object. As certain conditions of sensuous excitement, in relation to a self-conscious subject distinguishing itself from its conditions, become sensible objects, so a condition of want or appetite, in relation to such a subject, becomes consciousness of a wanted object. The sensible object is something which *is*; the wanted object (the filling of the want) is something which *is to be* (has yet to be brought into existence). In this lies the distinction between 'sein' and 'sollen' in the most elementary form. As intelligent experience, and with it nature and knowledge, result from the presentation of sensible objects and their connection in one universe (a connection which results from that same relation to a self-conscious subject which is the condition of their presentation as objects), so practice results from the presentation of wanted objects, objects to be brought into existence. But

[1] [Cf. *Prolegomena to Ethics*, §§ 86–87.]

whereas in knowledge the sensible object carries its reality with it (in being presented at all it is presented as real), in practice the wanted object is one to which reality has yet to be given. (If I want a mutton chop or a picture of Turner, the chop and the picture are no doubt in existence, but the *object* is the filling of my want by eating the chop or acquisition of the picture, and that is an object which has yet to be realised.) Thus the world of practice depends on man in quite a different sense from that in which nature does. We commonly speak of nature as wholly independent of man. This is not true in the sense that there could be nature (the nature that we know) without intelligent consciousness; but it is true in the sense that, given the consciousness of sensible objects, it does not depend on any exercise of our powers whether they shall become real or no; they are already real. On the other hand, in the world of practice consciousness of an object is prior to its reality, and it depends on a certain exercise of our power, determined by that consciousness, whether the object shall become real or no. The question then arises, how this consciousness of objects, which in the world of action precedes and conditions their existence, is itself determined. *Prima facie* it distinguishes the series of moral actions from any series of natural events; since in the latter a preceding consciousness of the event is not a condition of the event's happening.

79.[1] A 'naturalist' will say that this is an arbitrary limitation of the natural; that a determination of consciousness having natural antecedents is a natural event as much as any other; and thus that the fact that the direction of our powers in moral action to realise the object of desire is conditioned by consciousness of the object does not denaturalise moral action; that, if it did, on the same principle we must reckon the actions of animals, which seem to be conditioned by the consciousness of objects wanted, other than natural. The question turns upon the action of self-consciousness in the determination of the action, which we say is not strictly natural. No one pretends that an appetite or want is other than a strictly natural event, or that its effect in the way of an instinctive action directed to satisfy the want is so either. But it is contended that the consciousness of a wanted

[1] [Cf. *Prolegomena to Ethics*, §§ 88 ff.]

object, the presentation of satisfaction of want as an object, is quite different from mere want; that it implies self-consciousness, consciousness of itself on the part of a subject of the want as such a subject; that thus a motive is constituted quite different from mere want, and that it is this (consciousness of self-satisfaction to be attained) which in all cases determines action properly called moral. Upon the motive constituted by the presence to self-consciousness (the taking up into self-consciousness) of a simple animal want, there supervene all sorts of other motives, as what we call human nature developes (a development arising from that widening consciousness of a world which self-consciousness renders possible); but the common form of all motives is the consciousness or presentation of a self-satisfaction to be attained, however widely the conditions of the self-satisfaction vary. Is then this self-consciousness (which may equally be called the consciousness of ends, and out of which arises, as will be explained, the consciousness of practical laws) itself natural? Nature = the system of sensible events or objects as interrelated. That is natural which is either a sensible event or object (as so related), or a relation between such events or objects. The self-conscious principle, implied in the presentation of self-satisfaction as an object, is not such an event, object, or relation. Rather it is identical with the principle in virtue of which there is for us a nature.

80. But it may be objected, 'If you say that understanding, which you identify with the principle of self-consciousness, makes nature, how can you oppose moral actions to natural phænomena on the ground that the former are, while the latter are not, determined by self-consciousness? The animal want, as an event or phænomenon in the order of nature, is already, according to your showing, something determined by self-consciousness. What other determination by self-consciousness is it that makes it cease to be a mere animal want, and yields instead a moral motive?'

[1] The statement that 'the understanding makes nature' may be understood in two ways. Is it meant that only through understanding there is such a thing as nature at all? or that only through understanding, as a principle in us, there is for us a nature, i.e. the data of our experience are so connected as to yield the consciousness of there being

[1] [Cf. *Prolegomena to Ethics*, § 19, and elsewhere.]

a nature? Primarily, at any rate, it is in the latter sense that the statement must be taken. Nature, as a determinate order of phænomena, exists independently of the conception of nature as gradually formed by any of us. It is difficult, indeed, if we think the matter out, to come to any other conclusion than that the principle in us, which, through its equal presence to and distinction from all the data of our sensibility, connects them all into a related series of changes, is identical, under however distinct a form, with the principle through which nature exists as such a series, before and independently of the experience of any of us. When it is said, then, that understanding makes nature, either 'understanding' must be taken as other than a principle or function of the individual man, or, if taken as belonging to any individual man, to 'make nature' must mean to cause there to be a nature for that individual man. On the other hand, when it is said that self-consciousness makes moral action, it is meant that it is through self-consciousness on the part of the individual man that there is such a thing as moral action, whereas it is not through understanding, as on the part of the individual man, that there is such a thing as nature.

81. To return, then, to the *ἀπορία* put above. The animal want, both as in itself (*a*) an event in the order of nature, and (*b*) as known by us to be so, is in a certain sense determined by relation to a self-conscious subject; but, so long as it remains a mere animal want, so long as it is an event in the order of nature or knowable phænomena properly so called, it is not determined by a subject conscious of itself as affected by and giving a character to the want. When it is said that any animal want, as belonging to or conditioned by an order of nature, is determined by relation to a self-conscious subject, it is meant that a system of relations between facts, such as we understand by 'nature,' only exists for (in virtue of there being) a single subject, distinguishing itself from the facts, but so present to them all as to hold them in relation. The state of my digestion, then, as at any time it happens to be, like any other fact in the order of nature, implies the subject presupposed in the possibility of such an order. But this subject is obviously not itself the subject of any or all the particular states, which through relation to it are related to each other; *ἀνάγκη ἀμιγῆ εἶναι*,

ὥσπερ φησὶν Ἀναξαγόρας, ἵνα κρατῇ.[1] If itself conditioned by any of the changes which it unites in one system, it could not so unite them. (*b*) Let us next consider the animal want as known by us to be an event in nature. Such knowledge of it is determined by self-consciousness, in so far as the consciousness of self is the necessary correlative to the consciousness of there being nature; but in being known as an event in nature, the want is not affected by, and does not affect, the self-conscious subject of which the action is necessary to its being so known. For the consciousness of the animal experiencing it there may very well be no nature and no knowledge. A man indeed may have animal wants and at the same time understand them (recognise them as belonging to an order of nature); but the condition of his so understanding them is that he hold himself aloof from them, that he do not introduce himself, the self-conscious, understanding, subject, as a qualifying element into them. Just in so far as they are taken up into his personal consciousness, just so far as he is conscious of himself as affecting or affected by them, there supervenes upon the animal want a new experience, which is not properly a natural phænomenon, or knowable as such. When the poet, e.g., introduces his personal consciousness into the natural phænomena which he contemplates, when he modifies them by the special relation which he establishes between himself and them, the result is something which is not a natural phænomenon or knowable as a matter of fact, 'not fact but poetry.' In the same way, when the satisfaction of a purely animal want, or a pleasure having strictly natural conditions, is taken up into self-consciousness (when a self-conscious subject makes it its own), it ceases to be a natural phænomenon; it becomes an interest having a moral as opposed to a natural character.

82. Thus self-consciousness is an agent *within the series* of moral actions as it is not within the series of natural events. As implied in understanding ('unity of apperception') it is necessary to our being conscious of a nature, but it does not directly condition any of the phænomena which in virtue of it we regard as conditioned by each other. On the contrary, it is essential to their being understood as belonging to or forming a nature, that they be not qualified by the

[1] [Aristotle, *De Anima*, iii. 4.]

personal consciousness of the man who understands them. If we hold, as we are entitled to do, that a self-conscious principle, from which that in each of us is derived, is the condition of there being a nature at all, still this is not an agent within the related series which it renders possible. The conditions of any natural event or existence are exclusively to be found in other natural events or existences, not in that which is the condition of their conditioning one another. On the other hand, in the moral world, reason as the self-consciousness of the individual man directly affects and gives its distinctive character to each action that goes to constitute this world. Whereas in the order of nature events happen in a determinate series, whether the understanding of the individual connects them *for him* in such a series or no, in the moral world it depends on the presentation by the individual of an object to himself, as one which will yield him personal satisfaction, whether an action is done or no. In other words, it is characteristic of moral action to be *free*, in a way in which no event in nature is free, and which differences the philosophy of moral action from any natural science.

83. The assertion that human action is *free* in this sense is quite compatible with the admission that every act is determined by the strongest motive. So far from free action being *unmotived*, it is rather determination by motives, properly understood, that constitutes freedom. A motive always implies consciousness by the individual of his own good as his end. Whatever good he presents to himself, the most 'altruistic' good possible, is necessarily conceived as related to himself, and is determined as good by that relation. 'That is good' ='that satisfies me.' An agent determined by a motive, then, is determined by himself, by that consciousness of himself as the absolute or unconditional end which makes the motive, and is so far *free*. There is no doubt another and higher sense of moral freedom than that on which we are now dwelling, and which is equally characteristic of the worst act and the best. What we are here describing (to adopt a distinction used by some German writers) may be called *formal* as distinct from *real* freedom. The real or higher freedom is only attained so far as the ends in which self-satisfaction is sought are such as can really satisfy.

84. Reverting, then, to Kant's statement, 'everything in

nature works according to laws; the distinction of a rational being is the faculty of acting according to the consciousness of laws,' we may adopt it if by 'faculty' we understand possibility (as we always should), and recognise this possibility as lying in the consciousness of self and of ends relative to that self. Action according to the consciousness of laws clearly presupposes the consciousness of ends to be attained by conformity to these laws. The latter consciousness may determine action without the former having been developed, and, when it has been developed, in spite of it. Perhaps in certain characters the conception of law may determine action apart from the consciousness of any end other than the law, but then the fulfilment of law is itself presented as an end. For Kant's formula, at the cost of spoiling its antithetical compactness, we may substitute the following: 'Everything in nature works so as to yield certain results according to law; the distinction of a rational, or free, being, is that he acts, not so as to yield certain results, but from consciousness of ends in attaining which he may satisfy himself, out of which arises the consciousness of laws according to which they are to be attained.'

[A discussion of human freedom follows, 'on the lines of Kant, who first clearly brought out the difficulties of the question, and furnished elements (though no more) for a true answer.' The substance of this discussion is embodied in the *Prolegomena to Ethics*, and in the articles on H. Spencer and G. H. Lewes in vol. i. It concludes as follows: 'Thus in a certain sense, though one different from Kant's, we may adopt the distinction between the 'empirical' and 'intelligible' characters. A moral action has one character as a natural phænomenon, related in the way of cause and effect to other natural phænomena; another character as expressing the desire or emotion or thought of a self-conscious man. According to the latter character it is not a phænomenon at all. The order in which it has its determining place is not an order of such phænomena. In respect of its intelligible character action is free, not so in respect of its empirical character. It is in another sense, however, that Kant distinguishes the two characters. For he would apparently reckon the relation of any action to a man's mental history (all, in fact, by which we account for it), as belonging

to its empirical character, whereas, according to the distinction which it is here sought to maintain, the conditions which form the true explanation of the act (the other determinations of consciousness, as opposed to natural events, to which it is related) would be assigned to the intelligible character.'

Then follows an examination of Kant's doctrine of 'free causality,' as developed in the *Critique of Pure Reason*, in connection with the third 'Antinomy of Pure Reason.' This forms the following section, L.]

L. *THE DISTINCTION BETWEEN THE 'EMPIRICAL' AND 'INTELLIGIBLE' CHARACTERS.*

85. According to Kant, both the thesis and the antithesis of the third antinomy are true in different relations. This applies to the antinomy both in its cosmological and its ethical bearing. First, cosmologically. There is no free causality within the world of phænomena, but free or unconditioned causality is the condition of there being such a world. We might thus combine the thesis and antithesis by saying, 'Everything in the world happens according to laws of nature, but a causality of freedom is necessary to account for there being laws of nature.' The antinomy itself is evidence of there being an unconditioned causality, of which the effect is that events form a series each determined by its antecedent. It is the fact of their forming such a series that leads to one of the antithetical propositions (that which denies freedom), but the fact is itself an effect of an 'unconditioned causality.' According to Kant's way of putting it,[1] if the phænomena which form the series were 'things in themselves,' if their nature belonged to them in their own right, independently of anything else which is not phænomenal, this would not be so. Each phænomenon would be (as it is) determined by a preceding phænomenon, this by another, and so on, and there could be no question as to any other mode of determination. In fact, they only form a series through relation to the unconditioned. Phænomena = sensible events. If there were nothing besides these, as the order of their succession in time does not admit of an absolute beginning, there could be no such thing as free causality. But there must be something besides them. A determinate succession of presentations to sense implies something which determines them, and which cannot be any

[1] *Kritik der reinen Vernunft*, pp. 372–373; pp. 332–333, *Tr.*

one or any number of them; a subject present to them all which renders the connection of any one with all possible. When Kant says that phænomena are not 'absolutely real' but 'mere representations,' he means, as he explains elsewhere,[1] that they 'cannot exist out of and apart from the mind,' or 'apart from and independently of experience,' which experience is rendered possible by the unity of the transcendental subject. Again, 'they are mere representations, receiving from perceptions alone significance and relation to a real object, under the condition that this or that perception—indicating an object—is in complete connection with all others in accordance with the rules of the unity of experience.'[2] It would seem, then, that, according to Kant, the non-phænomenal ground of phænomena, as 'connected with each other according to empirical laws,'[3] must be what he elsewhere calls 'the transcendental ego,' or 'subject,' as the source of the unity of experience. It is true that in the passage referred to[4] he speaks of it as 'transcendental object,' which he elsewhere calls[5] the 'nonsensuous cause of phænomena,' the 'mental correlate to sensibility considered as receptivity.' But from the same passage it appears that, just as any empirical object means a perception as connected (or the connection of a perception) 'with all others in accordance with the rules of the unity of experience,' so the 'transcendental object' means that which connects all phænomena, viz. the 'transcendental ego' as the source of the unity of apperception, considered specifically in opposition to the receptivity of sense as an active cause. Thus we find that the unconditioned condition of the order of nature, as Kant understood nature (i.e. as the connection or unity of experience), is what he has previously called the 'transcendental ego.' This is that of which all sensible objects or phænomena are effects, in the sense that objects are perceptions as connected, and this is the source of connection. It is not, however, in Kant's language, an object of possible knowledge or experience (though the source of all knowledge), because not a phænomenon. All knowledge consists in connecting phænomena with phænomena, and can never admit within its world an uncaused cause. So far, in regard to the

[1] E.g. *Krit. d. r. V.* p. 347; p. 307, *Tr.*
[2] *Ibid.* p. 349; p. 309, *Tr.*
[3] *Ibid.* p. 373; p. 332, *Tr.*
[4] *Ibid.* p. 374; p. 333, *Tr.*
[5] *Ibid.* p. 349; p. 309, *Tr.*

cosmological idea of freedom, there is no particular difficulty. The question as to an absolute beginning of nature is set aside by the reflection that to seek for it is to seek for that in time which is the condition of there being time. It is the essence of time that it can have no beginning, but if time is the sequence of representations, this merely means that there is no beginning of consciousness. But though there is no absolute beginning of nature, there is an absolute or free cause of it. All phænomena as known are connected in the way of cause and effect with other phænomena, but in respect of this connection, in respect of their knowability, are effects of the intelligible cause in virtue of which there is such connection.

86. The possibility of ethical freedom is another matter, for this implies that an object (this or that man, this or that state of mind), which we know as a phænomenon, and which as a phænomenon is not a free cause but conditioned by other phænomena, is yet also not a phænomenon, has an intelligible as well as an empirical character, and, as such, is a free cause. For the fact, however it is to be explained, that man is a free cause, Kant appeals to the existence and effect of the conception 'I ought.' This is not a conception of any natural or phænomenal object. 'The question, What ought to happen in the sphere of nature? is just as absurd as the question, What ought to be the properties of a circle?'[1] The action of the motive 'I ought' is not the action of a phænomenon, nor itself the result of a phænomenon. Man, therefore, as capable of such motive, is other than a phænomenal cause.[2] But though other than a phænomenal cause, man is also an object of the senses. His acts are phænomena, connected according to laws of empirical cause and effect with other phænomena. Kant expresses this by saying that

[1] Kant quite recognises that man is 'a purely intelligible object,' as opposed to a 'phænomenon,' in respect of understanding also, the source of pure 'conceptions,' in distinction from pure 'ideas' (*Krit. d. r. V.* p. 379; p. 338, *Tr.*). Pure conceptions are those by which we connect phænomena so as to form a nature, a cosmos of experience. Understanding, the faculty of these conceptions, according to Kant, is merely reason in its application to phænomena. In respect of understanding, however, man is not a cause of phænomena; in respect of reason he is.

[2] Though Kant appeals to the *capacity* for the motive 'I ought' as evidence that man is a free cause, he does not (on the whole) mean that only actions determined by this motive are free. 'Reason is the permanent condition of all actions of the human will' (p. 382; p. 342, *Tr.*). It is the condition, we must suppose him to mean, even of actions that proceed from what he calls a pathologically affected will (p. 371; p. 331, *Tr.*).

the causality of man is twofold, intelligible and sensible;[1] and again, that man has an intelligible and an empirical character. (Character = the law of his causality.) The 'intelligible character' represents the relation of man as a free cause to his acts, the 'empirical character' the relation of his actions, as phænomena, to each other and to all other phænomena, a relation in virtue of which they can be 'deduced from these other phænomena as conditions, and thus, in connection with these, constitute a series in the order of nature.'[2] The 'empirical character' alone is, in Kant's sense, knowable, because to constitute a knowable object there must always be a phænomenon or object of possible intuition (perceivable), as well as a conception which connects and relates it with other objects. If we want to know, or account for, an action done by any one, we must consider it as a fact in his 'empirical character,' 'to be accounted for by reference to preceding phænomena.'[3] Yet, according to Kant, 'this empirical character is itself determined by the intelligible character'[4] in which 'nothing happens,' 'which knows no before and after,' but of which 'every action, irrespective of the time-relation in which it stands with other phænomena, is the immediate effect.'[5] This doctrine is generally pronounced very unsatisfactory. 'It seems (it may be said) to imply that the same man has two characters, one which can be known, another which is unknown, and that the unknown is the cause of the known. Either it means nothing, or it violates Kant's own doctrine that a free cause can never be admitted within the series of phænomena.'

87. The objection partly arises from Kant's use of the term 'character,' which, however, he explains.[6] He did not mean that the same man had two characters, but that one and the same character (in the ordinary sense of the word), i.e. series of acts (inner as well as outer), was related at once to an intelligible cause consisting in reason, and to a series of empirical causes consisting of other phænomena. 'Well,' it will be said, 'but the question is about the compatibility of these relations; how the same moral act can be caused in these different ways, and this Kant does not explain.' The true explanation is that these 'empirical causes' in turn, *as*

[1] *Krit. d. r. V.* p. 374; p. 333, *Tr.*
[2] *Ibid.* p. 374; p. 334, *Tr.*
[3] *Ibid.* p. 375; p. 334, *Tr.*
[4] *Ibid.* p. 381; p. 340, *Tr.*
[5] *Ibid.* p. 383; p. 342, *Tr.*
[6] *Ibid.* p. 374–5; p. 334, *Tr.*

causes of a human character or of a moral act, are what they are through relation to the intelligible cause. At any rate, Kant points out that each member in a series of phænomenal causes and effects may be determined by relation to a cause which is not phænomenal. It would have been simpler if he had said at once that a human action is not, properly speaking, a phænomenon (not a phænomenon in the sense in which a phænomenon derives its nature from relations in the way of time and space to other phænomena), though it involves a phænomenon as its expression, and that it could not be accounted for by reference to other phænomena *merely as* phænomena. No doubt it is accounted for by reference to preceding *actions*, but these really account for it just so far as they are other than mere phænomena, just so far as each is an expression of some mode or other of that self-consciousness, which is the condition of there being natural phænomena for us, but is not itself a natural phænomenon.

'Is it not possible,' asks Kant, 'that, although every effect in the phænomenal world must be connected with an empirical cause, according to the universal law of nature, this empirical causality may be itself the effect of a non-empirical and intelligible causality, its connection with natural causes remaining nevertheless intact?'[1] In that part of the phænomenal world which is the expression of moral action, this is not only possible but real. The 'determinists' are quite right in saying that what a man is and does at any time is the result of what he has previously been and done; but what he has previously been and done, though in respect of its physical expression belonging to the phænomenal world and connected in the way of antecedence and consequence with mere natural phænomena, has taken that specific character in virtue of which it determines what the man now is and does, from relation to reason as a 'non-empirical and intelligible causality.' His previous character has been a state of self-consciousness. It is the result of a process in which the presentation of a self to be satisfied, of an end to be attained for the satisfaction of self, has been the dominant and determining agent. His previous actions have been the expression of desires or emotions belonging to a universe of consciousness, into which natural events, as such, do not enter (only enter as transformed by the personal

[1] *Krit. d. r. V.*, p. 377; p. 336, *Tr.*

consciousness of the individual). Thus, though the connection of human actions with each other is as regular and admits of being as definitely known (though the knowledge is more difficult to arrive at) as that of natural phænomena, the things connected are different, because in the latter case the unconditioned (self-consciousness) does not qualify any one of the things connected, except as rendering possible its connection with other things in experience; in the former case it qualifies, as consciousness of self or law, each of the things connected.

Kant, however, even while saying that 'every action . . . is the immediate effect of the intelligible character of pure reason,'[1] seems to consider that human actions, as alone they can be known, or as objects of speculative reason when we try to 'explain their origin,'[2] form a mere series of natural events. 'So far as relates to this empirical character, therefore, there can be no freedom, and it is only in the light of this character that we can consider the human will, when we confine ourselves to simple *observation*, and, as in the case of anthropology, institute a physiological investigation of the motive causes of human actions.'[3] And again, 'the natural law, that everything which happens must have a cause—that the causality of this cause, that is, the action of the cause . . . must have itself a phænomenal cause, and consequently that all events are empirically determined in an order of nature—this law, I say, which lies at the foundation of the possibility of experience, and of a connected system of phænomena or *nature*, is a law of the understanding, from which no departure and to which no exception can be admitted.'[4] In fact, however, if his account of moral action be true, viz. that it is an 'effect of the causality of reason,' in explaining it or trying to know it as a mere natural phænomenon determined by a preceding natural phænomenon, we are explaining and knowing it wrongly. It may be true that mere 'observation' of the actions of another could not enable us to know them in any other way, because this is understood to exclude the explanation of such actions in the light of that self-knowledge which man has through 'pure apperception';[5] but can we only know what we can 'observe'? According to Kant's use of the term 'knowledge,' that is so. Knowledge with

[1] *Krit. d. r. V.* p. 383; p. 342, *Tr.*
[2] *Ibid.* p. 381; p. 340, *Tr.*
[3] *Ibid.*
[4] *Ibid.* p. 376; p. 335–6, *Tr.*
[5] *Ibid.* p. 379; p. 338, *Tr.*

him is indeed of relations, but of relations as between phænomena or sensible objects. The relation, then, between action and reason, as a 'free cause,' would not be matter of knowledge. Kant thinks indeed that the relation between actions, since actions are phænomena, is matter of knowledge, but it is not easy to see how he can escape the retort, that in knowing them as phænomena we are knowing them as being that which, according to his doctrine, they really are not.[1]

88. To sum up the criticism of Kant: the worst of his account of the intelligible and empirical character is that it seems to keep the 'free cause' outside the phænomena of human action. Either (1) it stands, according to him, to these phænomena merely in the same relation in which it stands to phænomena of nature; or (2), so far as he admits it to stand in any other relation to them, it is at the cost (*a*) of contradicting his principle that a free cause may not be admitted within the series of phænomena (a contradiction only to be avoided by the admission that human actions are other than phænomena), (*b*) of making the series of human actions, as they truly are, something different from the same as knowable. (1) Because free (unconditioned) causality, according to his view, conditions all empirical causality in nature, the phænomenal cause of a phænomenon, the sensible event which invariably precedes another, is only its cause in virtue (as natural philosophers would say) of the co-operation of all the conditions of the world, of all that is or has been. This is not a phænomenon. If it is the sum of all conditions, it is itself the unconditioned. In the search for phænomenal causes, or antecedents, all science presupposes it (under the designation 'nature' or 'order of nature'), though it never *finds* it, never admits it within the series of phænomena. According to Kant's view of nature, this conception of an

[1] It is idle to say, on the one hand, that a moral action is really other than a phænomenon, connected in the way of natural cause and effect with other phænomena, and that thus it is free; and, on the other, to say that in respect of its 'empirical character' it is a phænomenon, so connected, if by its 'empirical character' we understand its relation to the motives of the agent, and through these to his past history and to that consciousness of others which has become his. This relation forms the reality of the act, as a moral act. Yet this is what in many passages Kant seems to understand by 'empirical character.' It would be a different matter if 'empirical character' meant merely what is strictly natural or phænomenal in the act, i.e. the relation of its physical expression to other facts of nature. [Extract from a later lecture in the same course.]

unconditioned causality (the conception of it as = the sum of possible conditions, or nature as a whole, which, he would say, leads to antinomies, since there can be no such sum, nor can nature form a whole), is replaced by the conception of it as the one subject which is the condition of the unity of experience. But, either way, empirical causality, as = the determinate sequence and antecedence of phænomena, presupposes an intelligible and unconditioned causality. And it is in no other sense, according to what Kant says of the relation between the intelligible and empirical characters on pp. 377 and 381, (336, 340, Tr.) that the moral life implies an unconditioned causality. (2) On the other hand, as regards the second alternative, his whole ethical doctrine turns on the supposition that reason, as free causality, is constitutive of the several acts of that life as it is not of 'natural phænomena'; but it does not appear how it can be so compatibly with what he says of these actions, either as a series of phænomena within which a free cause is inadmissible, or as an object of knowledge.

We have, then, to deal with the following questions: (1) Is reason thus constitutive of the several acts of the moral life as it is not of natural phænomena? and if it is, what is the true way of understanding the freedom of man? (2) Adopting this view of moral action as that in which reason, as free cause, is a factor, how are we to reconcile it with the phænomenal character of such action, its character as one of a series in which free cause is inadmissible? Or, if we deny that moral action is properly a phænomenon, how are we to explain its relation to natural phænomena? (3) If we admit free causation within the series of human actions, how is knowledge of them possible?

M. *THE COEXISTENCE OF FREEDOM AND NATURAL NECESSITY IN THE SAME ACTION.*

89. The problem with which Kant's moral theory compels him to deal, as he understands it, is this, 'whether freedom and natural necessity can exist without opposition (contradiction?) in the same action.' It compels him to deal with this problem because his analysis of moral consciousness brings him to the conclusion that the only morally good action is one determined by the agent's conception of himself as, in respect of his rational nature, an absolute end. An action, a determination of will, so determined is 'independent of causes foreign to the will or agent,' and is in that negative sense free, as well as in the positive sense of being determined by a law which the agent imposes on himself. Freedom, then, in this sense of a determination by a reason which constitutes the agent's conception of himself as an absolute end or giver of law, must belong to an act if it is to be morally good.

On the other hand, natural necessity 'exists in the act,' (1) in so far as it is an object of observation, or of knowledge in that restricted sense of 'knowledge' in which it is constituted by the connection of phænomena with phænomena according to the categories or formal conditions of experience; (2) in so far as the action stands in that relation to desires and inclinations, not themselves determined by or a product of reason, which is implied in the fact that the rational conception of self as absolute end or giver of universal law acts as an *imperative*. It would not act as an imperative, there would be no distinction between 'I ought' and 'I would,' unless in every action we were affected by desires, to which the rational conception is antagonistic, and which are themselves of natural origin. The relation of the action to these,

[1] *Krit. d. r. V.* p. 385; p. 344, *Tr.*

whether they completely determine it or are controlled by the purely rational conception, is one of natural necessity, not of freedom.[1]

90. How, then, is it explicable that these antagonistic attributes of freedom and natural necessity should belong to the same act? Contradictory attributes cannot belong to the same subject *in the same relation*. Kant's explanation, then, is that we 'think of man in a different sense and relation when we call him free, and when we regard him as subject to laws of nature as being part and parcel of nature.'[2] Very well, the reader says, but the question is not of the different ways in which we *may think of* man or of ourselves, but of the way in which he really exists. Is it possible that he should really exist in one relation as free, in the sense of being determined (actually or potentially) by a causality not foreign to him and not natural (not itself determined by any natural antecedents), viz. that of reason, and in another relation as determined by a causality that is foreign and natural and determined by natural antecedents, viz. that of desires and inclinations? If it is possible, it would seem that it can only be so in one of two ways. Either (*a*) the man is determined by pure reason, and is thus free, in respect of some of his acts, determined by natural causes, and thus not free, in respect of others of his acts; or (*b*) if it is one and the same act that is determined in these opposite ways, it must be a case of joint determination; reason and the natural causes must co-operate in determining the act.

91. Neither of these alternative views, however, seems to be either admissible in itself or admitted by Kant. (*a*) is not admitted by Kant, because, according to some passages, he regards a man as free in respect of vicious acts, which excludes the first alternative;[3] though, on the other hand, according to his identification of freedom with autonomy and his explanations of autonomy (he does not regard the 'cool villain' as autonomous), it follows that the vicious act is not free. (Was Kant's view that, though the vicious act is not free, yet a man is free to do or not to do it; that he freely submits to the loss of freedom, the bondage of heteronomy? In such a view, freedom is used in two senses. The submission could not be said to be rationally determined

[1] *Grundlegung*, &c., pp. 301–2; pp. 105–106, *Tr.*
[2] *Ibid.* p. 304; p. 110, *Tr.* [3] *Krit. d. r. V.* pp. 383–4; p. 343 *Tr.*

in Kant's sense; therefore the man does not *freely* submit in this sense of freedom, but in the sense of having power to do or not to do; whereas the loss of freedom to which the vicious man submits is the loss of it in the sense of rational determination. I think there is this double meaning of freedom in Kant.) As to alternative (*b*), it is excluded (1) by the general tenor of Kant's doctrine, which puts determination by reason in direct antithesis to any determination by desire (except such as is excited by the pure contemplation of the moral law); (2) by his words, 'This causality of reason we do not regard as a co-operating agency, but as complete in itself.' [1]

92. Returning, then, to Kant's statement, 'we think of a man in a different sense,' &c., our conclusion must be that of these different senses or relations in which we may think of a man, it can only be in one or the other that the real man (as distinct from some element or factor of human nature, which we may consider in abstraction, but which is not the man) can exist and act. Now, according to Kant, a man 'can only act under the idea of freedom,' i.e. under the idea that he himself determines himself or his action (which is a different thing from the consciousness of power to do or not to do), and 'just for that reason is in a practical point of view really free.' This, I think, is quite true, and I should add that this 'practical point of view' is the only point from which the man whom we contemplate is the real man. The man whom we contemplate from that point of view from which he appears 'as subject to the laws of nature, as part and parcel of nature,' is not the real man, though it is indeed only from that point of view that man is an object of observation, for all that we can observe is phænomena in relation to phænomena.

When it is said that a man who can only act under the idea of freedom, or who thinks of himself as free, is really free, what is meant is that a man's act is determined by what the man is, and what the man is is determined by this idea of himself as free, i.e. by the conception of himself as the object for which he acts. A man not merely acts so as to satisfy himself (probably he does not so act), but his act is determined by the idea of himself as the object for the sake of

[1] *Krit. d. r. V.* p. 384; p. 343, *Tr.*

which the act is done, and for that reason he imputes it to himself, and is *in this sense* really free. It is not a sense, however, in which freedom either = power to do or not to do, or autonomy in Kant's sense (as = a state in which he is determined by the conception of himself as giver of universal law), but it is a sense in which freedom is opposed to the determination of one natural event by another, or a phænomenon by a phænomenon (for this consciousness of self as an object is not such an event or phænomenon), and it is a sense in which freedom implies a certain sort of determination by reason. It is through reason that man conceives himself as the object of his actions, but the reason is imperfectly communicated to him so far as he has no true conception of what the self is which he seeks to satisfy. And this freedom, though it is not autonomy, and is compatible with heteronomy in a sense (not indeed of merely natural determination, but of determination by objects incompatible with any law of which man can regard himself as the author), is the condition of autonomy.

93. Thus Kant is right (1) in holding that a man acting under the idea of freedom in the sense explained is really free, (2) in identifying this freedom with determination by reason, (3) in opposing it to all natural determination; he is wrong (1) in identifying freedom thus understood with autonomy (though it is truly the *condition* of autonomy), (2) in writing as if heteronomous actions were not free in this sense of freedom, (3) in reducing determination by reason to determination by the judgment 'I ought,' (4) in speaking as if man, in respect of all desires not determined by this judgment, were a member of a merely natural world, (5) in speaking as if there were really two characters in a man, empirical and intelligible, one determined by motives in which there is no freedom, the other determined by reason only in a way which excludes determination by motives and is free. In truth there is only one character, and one which is not empirical, in the sense of consisting in a relation between observable phænomena, but which on the other hand consists in susceptibility to motives, and yet at the same time, on account of the nature of these motives, is rational and free.

N. *THE 'GOOD' WILL.*

94. If there is anything that *unconditionally should be*, it must be something that there is a reason for wishing to do or to become, but which is yet not desirable as a means. We seem to be sure that the moral end is such an object, and the persistency of the assurance is shown by the fact that hedonistic moralists are always contradicting themselves by trying to represent pleasure, through an equivocation between the desired and the desirable, as at once the unconditioned good (because that which alone we actually desire), and an object which we *should* desire. As Fichte says, 'As surely as man is man, so surely he is aware of a necessity laid upon him to do something, quite irrespectively of ulterior objects, simply that it may be done, and to abstain from doing something else simply that it may not be done.' On the other hand, how are we to explain that anything *should* be, that there is *a reason* for desiring anything, or that it is desir*able* as distinct from desir*ed*—except as a means to some ulterior good? This is the great difficulty with which idealistic ethics have to deal. Kant first brought it clearly into view, and with him we will begin. . . .

95. The essence of Kant's solution of the difficulty may be stated thus. There is an object which reason originates, which it constitutes in or out of itself. This object it presents to the will, which he regards as a faculty of desire, capable of giving reality to objects in accordance with ideas of those objects. Here, then, is an object which does not originate in desire, which is not naturally or instinctively desired, but yet is able to excite desire in virtue of what it is in itself. There is reason for desiring it; it is desirable, and only comes to be desired (if at all) because previously recognised as desirable; yet that reason does not lie in its relation to any ulterior object, but in the intrinsic character

which it derives from reason as constituted by it (as given by reason, not presented to it). The '*should be*' represents the relation of this object to desire, desirable before it is desired, and coming to be desired because previously recognised as desirable. The '*unconditionalness*' of the 'should be' represents the character of this object as given *a priori* by reason and independent of empirical conditions.[1]

96. Though the above, however, is true as a summary of Kant's account of unconditional obligation, and is confirmed by the passage referred to, any one who turned from it to read at large in Kant himself will notice that instead of speaking of a practical *object* he speaks almost everywhere of a practical *law*; not of an object unconditionally (or universally and necessarily) desirable, but of a law imposed by the reason and demanding unconditional (universal and necessary) obedience. But in fact the universal practical law on which Kant insists is unintelligible except as implying an object unconditionally good to which it is relative. It has no content, it prescribes nothing, except what is relative to this object. The law which, according to Kant, regulates the good will, derives its authority from the conception of a good will as an unconditionally good object. That which the exponents of Kant call 'duty for duty's sake' is rather duty for the sake of the attainment of that perfect will, which in imperfection submits to duties, but in perfection supersedes them. The vindication of these statements, as an interpretation of Kant, must be postponed.

97. To most readers of Kant the primary difficulty is not whether there can be such a thing as a practical law apart from a practical object to which it is relative (which at first sight seems to be what is meant by a law which determines action in virtue of its mere form), but whether reason can properly be said to give or constitute or originate either law or object at all. We commonly think of reason, in regard both to knowledge and morality, as having no originative function. In regard to knowledge, we suppose its office to lie simply in analysing or tracing the connection between facts or objects presented to us by the senses, which are known to us (confusedly, if not clearly) without it, and exist altogether independently of it. So, in regard to morality, we consider its office to be to consider the means to various

[1] *Grundlegung*, &c., pp. 275–276; *Tr.* pp. 64–66.

objects of desire, given independently of it, and to compare the loss and gain incidental to the attainment of one with the loss and gain involved in the attainment of another. Reason is not supposed to affect the desirability of an object, or the desire actually entertained for it, except so far as it brings into view the relation in which a desired object stands to other desired objects to which its attainment contributes, or which, on the other hand, must be foregone in its attainment. Hume merely put the received English view on the matter in rather a more naked way than people like to have their views put, when he said, 'The reason is and can be only the slave of the passions.' With Kant, on the other hand, reason has a constructive or originative function. As applied to the sensuous receptivity, to the data of sense properly so called, which, as Kant rightly held, apart from the action of reason do not amount to facts or objects at all, it makes the nature that we know (the 'cosmos of our experience'), makes the data of sense into such a nature. In this application it is called 'understanding,' which, according to Kant, it must always be remembered, is merely a particular exercise of reason (particularised by the material on which it is exercised). Again, as practical, i.e. as applied to the will, which Kant considers a faculty of giving reality to an object corresponding to an idea of the object, reason makes morality. It gives that consciousness of an object of which morality is the realisation. If we would estimate fairly this view of Kant, we must get rid of the special associations connected with the term 'reason.' Much of the current criticism of his view seems merely verbal. His adoption of the term 'reason' to express what he takes it to express is determined by processes which the history of philosophy explains, but with which we need not trouble ourselves here. The primary question is, whether there is any act or function of the conscious subject, or of the soul as possibly acting without consciousness, or of anything in the nature of such conscious subject or soul, in virtue of which, on the one hand, the feelings received directly or indirectly through the bodily organs (the nervous system) become a connected world of experience or a knowledge; and, on the other hand, the impulses or volitions, which express themselves through the bodily organs, become actions distinctively moral, actions to which the terms 'ought' or 'ought

not,' 'should be' or 'should not be,' are applicable. If there is, and if such act or function or principle is not itself a result of feelings and impulses on which it afterwards reacts, then the main point in Kant's doctrine, the point which separates him from the English psychologists, is established. Whether the act or function or principle is best called 'reason,' is a secondary question.

98. I do not propose here to enter with any detail into Kant's theory of knowledge. His method is to analyse the conditions of its possibility. As such a condition he discovers what he variously calls a function of unity, of synthesis, of objectivity, of necessary connection. It is this function that is implied in the fact that all phænomena are presented to us as belonging to a single order, each being qualified by relations which form its objective reality and necessarily connect it with other phænomena. Without the exercise of this function there would be no experience, no knowledge, and (for us) no nature at all. It cannot be the result of experience, since it conditions all possible experience. It cannot be through experience that we learn to regard the world as one, since, unless we so regarded it, there would be no experience of a kind which could enable us to conceive a world (things, facts, or objects) at all. This function, or the faculty relative to this function (it makes no difference which we say), implied in the possibility of such experience as can yield knowledge of nature, Kant calls 'understanding.' It is the source or bond of the relations by which we hold phænomena together in one world or system; such relations as those of quantity (extensive or intensive), of substance and its modes, of cause and effect and reciprocal action. But he notices also that while a process of unification or synthesis is implied in the consciousness of successive phænomena as forming an objective world or nature, this unification is never complete. We never can know the world as a whole, never know it in its beginning or end, in its ultimate elements, or as a complex to which nothing can be added. This, according to Kant, is due to certain conditions of the phænomena which form the material on which the unifying function is exercised, viz. to their being presented either in space, and thus as each having another beside and beyond it, or in time, and thus as each having another before and after it. Thus the unifying principle, as the basis of

knowledge, is for ever presenting demands which cannot be fulfilled, problems which cannot be solved. In respect of these demands or problems as insoluble Kant calls it *reason* in a special sense, as distinct from the *understanding*, which is a name for the same principle in so far as its work appears in that partial fulfilment of its demands which constitutes our (ever and necessarily incomplete) knowledge of nature. Those who imagine that reason can tell us one thing, understanding the contradictory, may be right or wrong, but they do not represent Kant. The judgments or conceptions, which he considers the work of understanding, are just as much a result or expression of reason as the quest after the absolute and unconditioned; but they are its expression as striving after completeness of synthesis where that completeness is not to be found. The demand from which they result is not satisfied by them, but on the other hand not contradicted by them; for in the nature of the case a conception or judgment can only contradict another conception or judgment, not a demand. The judgment, e.g., that every event is determined by a preceding event, arises from the action of reason as a principle which compels us to seek to hold phænomena together as elements in an interrelated whole (to seek for complete synthesis or unification of phænomena); while at the same time this necessary way of regarding phænomena as each an event determined by a preceding event, is incompatible with our conceiving them as a whole or knowing their whence and whither. There does not follow from this, however, any conflict between reason and understanding. It only seems to follow if we unwarrantably convert the demand or effort of reason to find a unity, and so to regard every phænomenon as related to another, into the proposition that phænomena form a limited series, and that there has been an absolutely first event (a proposition which conflicts with the judgment of understanding stated above); or if, on the other hand, we construe this judgment, in fact only applicable to phænomena and arising out of the action of reason upon them, as if it applied to reason itself, and on the strength of it treat the principle, in virtue of which alone we regard all phænomena as conditioning each other, as if it were itself a conditioned phænomenon, and its demands illusions, to be explained like any other illusions, by inquiring into their natural history.

99. Readers of Kant often find a difficulty in tracing any

real identity between the 'reason' of which he speaks in the *Critique of Pure Reason* and that of which he speaks in his moral treatises. In the *Critique of Pure Reason* they find reason treated as the source of certain 'ideas,' ideas of an 'unconditioned' under three forms, severally implied in the search for an ultimate substance, for completeness (a beginning and end) in the series of events, for a unity in which all realities are included; ideas which regulate all knowledge, but to which no knowable object corresponds. What can such ideas have to do with moral action? What has the reason, which is the faculty or source of them, in common with the consciousness of an object or law of conduct, or with the autonomous will which Kant in his ethical writings identifies with reason? By ideas we understand conceptions of existing objects or phænomena under their relations or general attributes, and this gives us a false notion of what Kant means by the 'ideas' of which reason is the faculty. His meaning is better expressed when he calls reason the source of problems, of operations which it sets us upon performing. The ideas which he ascribes to reason are not ideas derived from objects, or to which any object can be found to correspond: they are ideas which strive to realise themselves, and in so doing result in the functions of the understanding. Thus the idea of a totality of conditions, given by reason, expresses itself in the process of connecting each phænomenon with another as its condition, though through that process such totality can never be reached. It is a demand, arising out of the nature of reason, that such a totality be found. Thus the ideas of reason, even in its theoretical application or in its relation to knowledge, are ideas of what *should be*, which are in a way realised in the *direction given* to the processes of knowledge, but not in a *knowable object*; (not in a knowable object, because a sensible matter is necessary to knowledge, and the 'forms of sensibility' prevent correspondence with, or realisation of, the idea or demand of reason). And just as reason, through the idea of a totality of conditions which it supplies, gives direction to the process of knowledge, so through an idea of like origin, which Kant commonly regards as the idea of freedom, i.e. [1] of a subject

[1] *Krit. d. r. V.* p. 266; *Tr.*, p. 229. He speaks of it as 'the idea of the necessary unity of all possible aims.'

determined solely by reference to itself as an absolute end, it gives direction to the practical powers.

100. There is, however, this essential difference between the two applications of reason. When the idea of reason is applied theoretically (in the direction of knowledge), the question whether it is realisable in any object of the senses, whether any such object can be found answering to it, is appropriate, since knowledge is necessarily concerned with such objects, as a process of bringing them into relation, and is otherwise a mere play of words; and it is a question which, as we have seen, must be answered in the negative. On the other hand, in regard to the practical application of reason or its ideas, such a question is unmeaning. The only question here is, whether it is realisable in a determination of the will, a question akin to the question whether it directs the process of knowing or effort after knowledge, as distinct from the question, whether any knowable object can be found corresponding to it. Thus the expression, 'it is *only* an idea' (as implying that no phænomenon corresponds to the idea), very significant when a question of knowledge or matter of fact (which implies relation to the senses) is at issue, has no force as depreciatory of a principle of action. If such an idea or principle can affect the will, that is all that from the moral point of view is to be expected of it. The moral relation is of idea to desire, not (like the cognitive relation) of conception to sensible object. If a certain idea (Kant would say the idea of freedom, or of oneself as imposing law on oneself) so affects a man's desires that his strongest desire (or will) corresponds to it, all moral requirements are satisfied. The fact that the sensible objects resulting, the effects of the will in the world of phænomena, are not, from their nature as sensible objects, cognisable as corresponding to the speculative idea of freedom (the idea of a *causa sui*), any more than any sensible objects can be found to correspond to that idea of reason which governs the operations of the understanding in any of its forms, has no bearing on the question whether or no the idea of freedom, as practical, determines the will.

101. Thus the *Critique of Pure Reason* prepares the way for Kant's ethical doctrine (1) in exhibiting the action of what he would call an '*a priori* law-giving' faculty as the condition of our consciousness of nature, of a world of

objects, through analysis of experience, and detachment of the pure element in it, i.e. the element which cannot result from experience because necessary to there being an experience *as of objects*. The sense in which this faculty is called 'law-giving' is indeed quite different from that in which we speak of moral laws being given. It 'gives laws' in the sense (*a*) that it determines the condition under which we can know a nature (under which phænomena become to us a nature); (*b*) that from it results the consciousness of there being laws of nature. But when we have guarded against any misuse of the term 'law-giving,' it remains true that there is in man, over and above his sensuous receptivity, a power of objectifying his feelings as related facts, which renders them into a knowledge. Thus his theoretic activity, the fact that there is such a thing as knowledge, a consciousness of relations, evinces the action upon sensuous data of a thinking principle not derived from them. (2) It appears further from the *Critique of Pure Reason* that this thinking principle, in its theoretic activity or as exercised in knowledge, not only cannot satisfy itself, but that the judgments, universal and necessary, as to the relations of phænomena which result from its application to phænomena (under the name 'understanding') are incompatible with its ever finding in them an object answering to the idea of a possible completeness which it brings with it. When Kant has established, then, at once the existence of this transcendental principle (i.e. a principle not a result of sensuous experience) as the condition of the possibility of knowledge, and the limitation of its exercise in knowledge (which with Kant is only possible in relation to phænomena), the way is cleared for the inquiry whether there is any other exercise of it in which it is not so limited; an exercise in which, instead of having to do with a material determined (*a*) by an unknown cause beyond ourselves, (*b*) by the necessary forms of our perceptions, space and time, it is applied to a faculty of bringing objects into existence corresponding to ideas.

102. This inquiry Kant describes as the inquiry whether there 'is a *practical* use of pure reason.' *Practice* with him consists in giving reality to conceived objects, or bringing objects into existence corresponding to ideas. That there is such a thing as *practice* in this sense, however it may be explained, does not need to be proved. Having

thought of an object consisting (say) of a service to a friend, or a hurt to an enemy, or of a gratification of some taste of his own, a man proceeds by act of will to give reality to the object thought of. The act of will ('Handlung') may not be successful for its purpose; the man, having tried to serve his friend, &c., may fail to bring about the combination of natural events or circumstances without which the benefit does not accrue to his friend; still he has not merely thought but acted, not merely wished but willed, not merely desired but intended, and in Kant's sense has given reality to his idea, has brought an object into existence corresponding to it, though there is an ulterior sense in which his idea remains unrealised. This distinction between the realisation of an idea in act or determination of will, and its realisation in some ulterior outward effect of the act of will, is important for the understanding of Kant.

There being no doubt, then, of the fact of *practice* as a realisation of ideas ('Vorstellungen'), in the wide English sense of 'ideas,' the question remains as to the origin of the ideas thus realised. Do they in any case originate in reason, as the transcendental principle of which the action was found to be implied in knowledge, but to the demands of which no known object answers? Are they ever the product of *pure* reason, or has reason as *pure* anything to do with their production? We say *pure* reason, because no one doubts that in some sense or other reason determines the will, that we act or may act on 'rational grounds,' do so and so because our reason tells us. The question is whether, in so determining will, reason is 'pure' or 'empirically conditioned,' i.e. conditioned by antecedent desire, with the constitution of which it has nothing to do; in other words, whether it can be an ultimate and unconditioned determinant of action. (Cf. the opening of the Introduction to the *Critique of Practical Reason*.) Thus Kant constantly puts as the equivalent to the question, 'Is there a practical use of pure reason?' the question, 'Does reason exercise a free causality, i.e. an absolutely originative causality?' which again he often puts simply as the question, 'Is there a free causality?' For it is self-evident that the attribute of freedom, of being an unconditioned source of conditions, if it is to be found in man at all, can alone belong to that principle in him in virtue of which he regards everything as conditioned.

If anything is not natural (the natural and conditioned being equivalent), it must be that through which we conceive nature (or, as Kant sometimes puts it, *make* nature, in the sense that through it alone there is *for us* a nature).[1]

103. The answer to this question in both its forms, according to Kant's view, is furnished by a fair interpretation of what we call the 'voice of conscience,' our actual moral judgments ('gemeine sittliche Vernunfterkenntniss'). The idea of duty cannot be the result of a generalisation from sensible experiences, of desires for pleasure and observation of the means to gratify them. It must originate in reason. If, then, there is such a thing as determination by this idea, there is a free causality, a practical use of reason as pure. As he puts it, though freedom of will is the *ratio essendi* to moral obligation (since it is the freedom of the will, i.e. its relation to pure reason as determinable by it, that makes such a thing as action from the idea of duty possible), it is the consciousness of obligation and the effect of such consciousness on action that is the *ratio cognoscendi* to the existence of freedom. It is difficult indeed to see what difference there is in this case, according to his doctrine, between the *ratio essendi* and the *ratio cognoscendi*. Freedom of will, as he understands it, is not something *different from* a capability on the part of the will of being determined by the idea of duty (or by reason, which is the source of this idea), and *proved by* such capability. It is the capability itself. One and the same spiritual condition, described negatively as freedom, i.e. described as absence of determination by merely natural causes, is described positively as determination by the idea of duty. As Kant puts it, 'die Unabhängigkeit von aller Materie des Gesetzes (nämlich einem begehrten Objekte) . . . ist Freiheit im negativen, diese eigene Gesetzgebung der reinen und, als solche, praktischen Vernunft, ist Freiheit im positiven Verstande.'[2] Kant, however, scarcely seems

[1] In the Introduction to the *Critique of Practical Reason* Kant writes as if the questions (*a*) Has reason as *pure* a *practical* use? and (*b*) Does freedom belong to the will? were different questions, and as if an affirmative answer to the first were to be derived from the affirmative answer previously given to the second. But, in fact, as he treats them they are equivalent questions, for he recognises no freedom in the will but that which belongs to it in virtue of its determination by reason, and by reason as *pure*, i.e. as an *ultimate* determinant, an absolute first.

[2] 'The independence on all matter of the law (namely, a desired object), . . . is *freedom* in the *negative* sense, and this *self-legislation* of the pure, and therefore practical, reason is freedom in the *positive* sense.'—*Krit. d. p. V.* p. 35; *Tr.*, p. 170.

fully to realise his own identification of freedom with determination by reason. Here as in other cases he begins with a recognised distinction which his own doctrine explains away, but which he continues to treat as if it were valid. At any rate his method is to begin with establishing the reality of determination by the mere idea of duty, and then to deduce freedom of will from this.[1] The first step is taken in the *Grundlegung zur Metaphysik der Sitten* of which, as Kant says in the preface to the *Critique of Practical Reason*, the object was to clear up the principle of duty and establish a definite formula for its expression. It is difficult at first to understand the difference between the questions which these two treatises are severally meant to answer. The problem of the latter, according to Kant's statement, is to show *that* and *how* pure reason can determine the will, and give reality to objects so far as is implied in such determination. It is thus parallel to the *Critique* of speculative reason, of which it is the problem to exhibit the function of reason in rendering knowledge possible. The *Grundlegung*, on the contrary, does not ostensibly deal with any question in regard to the function of 'pure reason.' It examines the idea of a good will, as that which the unsophisticated man recognises as the only thing of absolute value in the world. It finds that this good will is will determined by the idea of duty; not merely a will which conforms to duty, but to which duty is the motive. This means a will determined by the conception of a law which commands without possibility of exception, and not hypothetically but categorically; not in the form, 'act thus under such and such circumstances if you wish to get such or such a pleasure,' but 'act thus under all circumstances and for the sake of acting thus.' Such a law, categorical and universal, can only be one imposed by the agent on himself, in virtue of a nature which renders him an absolute end and expresses itself in a law equally binding on all agents capable of a consciousness of law. Thus the result of the *Grundlegung*, starting from the idea of 'good will' as established in the common conscience, is to exhibit

[1] (1) Is there determination by the mere idea of duty? (2) Is there a free causality, belonging to will? (3) Is there a *practical* use of pure reason? These three are, in fact, according to Kant, equivalent questions, but we have the means of directly answering the question in the first form, and not in the two latter. Thus, though the answer to it in the first form really involves the answer to it in both the others, Kant sometimes writes as if the latter answers were inferred from the former.

this as the autonomous will, i.e. as a will of which the rule is 'given by the rational subject himself in his character as *giver* (originator) of law *universal*.' In the *Critique of Practical Reason* Kant does nothing further to justify or establish this view of what is involved in pure morality, though he somewhat varies the form in which he repeats it, but he applies it to the solution of the problem stated above (to show *that* and *how* pure reason can determine the will, &c.). If man can give to himself an absolute and universal law, so that his conduct is affected by it, pure reason can determine the will, for only pure reason can yield such a law, a law not dependent on any kind of sensuous experience.

[Here follows a sketch of the main points arrived at in the *Grundlegung* and part of the *Critique of Practical Reason*. The results of the *Grundlegung* are thus summed up: 'Good will is will (1) determined by a categorical imperative, i.e. an imperative not conditional upon the desire for any end; (2) will according to which a man makes humanity in his own person and that of others his end; (3) autonomous will, i.e. will so acting that it can regard itself in its maxim as giving universal law.' The lecture then proceeds to examine Kant's doctrine (*Grundlegung*, 2ter Abschnitt), that the idea of duty is no 'Erfahrungsbegriff.']

104. Kant's point is that an idea of what *should* happen cannot be derived from, or consist in, a generalisation as to what does happen; therefore is not an 'Erfahrungsbegriff.' This, so far as it goes, is scarcely open to dispute. The proposition 'so and so should or ought to be done,' is not a proposition as to a matter of fact at all, and cannot be reached by the same process by which we arrive at general propositions concerning matters of fact. (Hume noticed this, *Treatise of Human Nature*, bk. iii. pt. i. § 1.) But though not a result of generalised observation, does it follow that it is not a product of experience, of an experience which not merely informs us as to matters of fact, but determines the direction of our desires and aversions? Such experience, it must be conceded, cannot yield a 'categorical imperative,' an imperative independent of every desire and fear on the part of the subject conscious of it: but we need not assume the consciousness of such an imperative in order to explain judgments expressed by 'ought' and 'ought not.' Simple natural desire or aversion, indeed, cannot account for the

consciousness in question. To say that I *ought* to seek pleasure, as a moment's reflection shows, is absurd. But experience (*a*) causes us to associate certain sequent pains with the attainment of certain pleasures, (*b*) produces a conflict of desires by making us aware that to gratify one is to forego the gratification of another, (*c*) leads to certain requirements on the part of society, or those who wield the forces of society, founded on observation of what is for their interest, which are embodied in law or convention. Hence arises the consciousness represented by the judgment *should be* or *ought to be*, which is reducible to (*a*) 'I had rather not, for by so doing I lose such a pleasure, but I must, in order to avoid such a pain, or to gain such another pleasure,' or (*b*) 'I had rather not, but I shall be punished if I do not,' which, through education, personal or hereditary, becomes the judgment (*c*) 'I had rather not, but it is expected of me, and the pain of not doing what is expected of me outweighs the pleasure which I lose by the action,' from which any distinct apprehension of punishment to be avoided has disappeared. It must be noticed, however, that the form of consciousness thus accounted for is merely a desire for some pleasure or aversion from some pain, modified in a particular way by conflict with desire for some other pleasure or aversion from some other pain. It is not a consciousness on the part of the individual of an obligation irrespective of his inclinations. A consciousness of obligation which is so irrespective, though it be an obligation to pursue one's own greatest happiness, cannot be thus accounted for. The question at issue relates, not primarily to anything that we are obliged to do, but to the nature of the obligation to do anything. If there is an obligation, and a consciousness of obligation, to pursue my own greatest happiness, whether I desire it or no (whether it is pleasant to me or no), it must be explained in some other way than by any modification, through experience, of desire for pleasure or aversion from pain. And we have already seen that experience, as relating to matters of fact, can have no bearing here. The judgments which it produces or modifies are essentially different from the consciousness in question. Any notion to the contrary arises from a confusion between the consciousness of obligation and the conception of the object to which the obligation relates. Given

a consciousness of obligation to one's neighbour, experience as to matter of fact may affect the judgment as to who one's neighbour is. Nay, if we push the inquiry further back, we may find that without such experience there would be no conception of a neighbour at all as an object in relation to which any obligation exists. But this does not affect the question as to the origin of the peculiar form of consciousness called consciousness of obligation. In like manner the observations which lead some people to ascribe this consciousness to the progressive experience of utility, are beside the point. Through growing enlightenment, derived from experience, men may come to recognise a duty to do that which they did not recognise as a duty before, and to abstain from that which they thought it a duty to do; but the recognition of duty, the capacity for judging, 'I ought to,' and being determined to act by the judgment, remains unaccounted for. It is, indeed, more logical to deny the existence of the consciousness of duty, in the proper sense, as a factor in the determination of conduct, and treat it as a disguised fear or as a result of conflicting desires and fears, than, admitting its existence, to treat it as the product of the experience of utility. The real question, then, is, in Kant's technical language, whether there is such a thing as a 'categorical imperative' at all, or whether there are only 'hypothetical' imperatives; in other words, whether there is an element in the formation of character and determination of conduct consisting in a consciousness of the desirable as distinct from the desired (a consciousness of an object which determines desire instead of being a result of the desire for pleasure), or whether, on the other hand, the consciousness of obligation being ultimately dependent on desire for pleasure, each obligation is conditional upon a preponderance of pleasure accruing in the result, and thus upon the susceptibilities to pleasure and pain of the individual obliged. This is not the place to discuss this question fully. Perhaps it is sufficiently answered by being stated clearly. At any rate those who profess to adopt the latter answer seem always somewhere to avail themselves of a distinction between the desirable and the desired (to assume a practical consciousness of the desirable as distinct from actual desire for pleasure), to which they are not entitled. What we have here to point out is that Kant, adopting the former

answer, is quite right in refusing to regard the 'categorical imperative' (or sense of duty as he understands it), the consciousness of the unconditionally desirable, as a product of experience, and that the ordinary judgments as to what is desirable are not to the purpose.

105. It is another question whether the *a priori* factor in our moral consciousness, which can alone give any moral bearing to the experience of matters of fact and that of pleasures and pains, is properly an idea of universal law at all. The conviction that it only gradually takes this form strengthens the repugnance to Kant's doctrine, that the true principle of morality is independent of experience. He is quite right, indeed, in insisting that the consciousness of a universal practical law is not a product of experience in either of the above senses; but this should have led him to find its origin in a principle of consciousness which makes experience what it is, rather than to treat it as an absolutely original datum. As it is, though his doctrine is essentially true, his way of putting it excites the same opposition as his way of putting the corresponding doctrine in regard to the *a priori* element in knowledge. He is quite right in insisting that what he calls the *a priori* principles of science (e.g. 'all changes take place according to the law of the connection of cause and effect') are not of empirical origin, in the sense that they are not a possible product of a succession of sensations. They are only evolved from experience because they are already involved in it (in that sort of experience which is the parent of knowledge). They are not a product *of* experience, but are produced *in and with* experience by that action of a self-conscious subject upon the succession of feelings which constitutes experience. It is only, however, through reflection upon experience, which can scarcely supervene upon it till it has reached an advanced stage, that they can be recognised in their abstract character as its universal and necessary laws; whereas Kant is apt to be understood (partly by his own fault) as meaning that they are an '*a priori* furniture' which the mind possesses antecedently to experience. In like manner the consciousness of an absolute moral law is not a product of desires for pleasure and aversions from pain, however modified by the natural association of ideas; nor, if our moral experience were a succession of such desires so modified,

could it ever arise in it. But in fact our moral experience is what it is only through that action of the self-conscious subject upon desires, from which arises the practical idea in various forms of an absolutely desirable object. Moral experience thus constituted, there arises through reflection on it in a certain stage of development the practical idea of an absolute moral law ('practical' meaning throughout 'determinant of action'). This idea may then rightly be called *a priori* in the sense that it only arises in moral experience because that experience implies the presence of a 'non-sensuous' agent, a self-consciousness not reducible to, or produced by, any number or kind of desires, but which renders desires into elements in a moral character. It is a mistake to call it so in the sense that in this abstract and recognised form it is given in the moral experience of man to begin with; still more so in the sense that it is separable from that experience and antecedent to it; nor is this what Kant really meant to convey. The term '*a priori*' with him conveys no reference to time, implies no antecedence in time on the part of that which is called '*a priori*' to that which is opposed to it. The conceptions which he calls '*a priori*' in his theory of knowledge are the *a priori* element *in* experience (not prior to it), which again=the '*pure*' or non-sensuous element, the element not derivable from any succession of feelings. It is in a corresponding sense that the idea of absolute law is an *a priori* or pure element in moral experience, or, in Kant's language, a pure practical cognition ('praktische Erkenntniss'), i.e. the consciousness of an object not derived from the senses (=pure) by which the will is determined to make that object real (=practical). If he is asked what the object of the consciousness described is, he answers that it consists in a will determined by the consciousness (idea) of universal law as a law imposed by itself. Consciousness of a *possible* object, consisting in a will determined by the idea of universal law, tends to make that object real, to determine the will by such an idea.

106. If Kant is asked further what is the origin of this consciousness, to which a sensuous origin is denied, he answers 'reason'; but of this he tells us no more than that it *originates* an activity directed to the realisation of itself, or to the attainment of a rational condition, i.e. a condition

in which will, as the faculty or possibility of being determined by the consciousness of law, is actually so determined; or, again, that it is the source of the practical idea of freedom, i.e. of an idea of self-determination which tends to realise itself in the subjection of man to a law which he imposes on himself. It is clear, however, that we learn nothing more about the moral consciousness, when it has been analysed as Kant analyses it, by referring it to a faculty called reason, any more than we learn anything about any function by referring it to a faculty, unless we know something of the faculty which is not contained in the analysis of the function. If the analysis of our moral experience shows that character is actually affected by the moral agent's consciousness of himself as capable of being determined by the conception of a self-imposed law as such (as apart from any object to which this law prescribes the means), we may state this in another form by saying that there is a faculty called reason, which originates an activity directed to the realisation of itself; but this is merely to give a name to the consciousness already described, unless it enables us to connect the function thus ascribed to reason with other functions of it, e.g. with its functions in rendering possible science and art; and in his moral treatises Kant scarcely attempts so to connect it. So far, therefore, as the *Critique of Practical Reason* merely adds to the analysis of the moral consciousness, given in the *Grundlegung*, a derivation from reason of the 'imperative' which the moral consciousness has been found to involve, it does not seem to contribute anything to the theory. The important question is the truth of the analysis. Is the distinctive thing in the moral consciousness rightly held to be the presentation to the moral agent of an end or object consisting in his self, as determined by a self-imposed law, in virtue of its mere form as law and self-imposed?

107. Such a presentation is the basis of the 'categorical imperative' in each of the three forms in which Kant states it. (1) 'Act only according to that maxim by ('durch,' in another place, 'von') which you can at the same time wish that it (the maxim) become a universal law;' (otherwise put thus, 'Act as if the maxim of your act were destined through your will to become a universal law of nature;'). (2) 'Act so as to treat humanity, whether in your own

person or in that of anyone else, always as an end; if as a means, still as at the same time an end (this is the force of the 'zugleich'), never merely as a means.' (3) 'Act only in such a way as that the will can regard itself by its maxim as at the same time *giving* universal law.'

The maxim is the recognised motive of an act (a strongest motive which the agent recognises as such). If a man's strongest motive at any time is to get money, so that he says to himself, 'I must get some money,' then that is his 'maxim.' If my motive is the wish to obey a law simply because it is a universal law and one which I impose on myself, or to bring myself into a state in which I shall habitually do so, then (*a*) I am acting from a motive which I can at the same time wish to be universally acted from, by myself at all times, by all beings capable of conceiving such a law at all times. On the other hand, if the motive is any other kind of wish, a wish determined by anything but the conception of oneself as giving a law to oneself, it is according to Kant a wish for some pleasure to oneself, and a wish for pleasure to oneself cannot at the same time be wished to be universal law (be wished to be the wish or motive of everyone else). While wishing pleasure to myself, *I may hold the opinion* that all men wish pleasure for themselves, but that is quite a different thing from wishing my wish to be wished by everyone else. One may present it to oneself as *a fact* that everyone wishes for pleasure; one cannot present it to oneself as *desirable*, any more than any other physical fact, say, that everyone digests food. Further, if my motive in any act is as above, then (*b*) I am 'treating humanity in my own person as an absolute end,' for my ultimate object is to fulfil myself in respect of that faculty or possibility which is distinctive of me as a man. It is the conception of myself (as Kant would say) 'in the dignity of a rational being obeying no law but that which he himself also gives,' that determines the act. On the other hand, if my motive in any act is desire for pleasure,[1] (and according to Kant's view—of which more afterwards—there is no alternative between the motive consisting in the wish to obey a self-imposed law and that consisting in a desire for pleasure), I am treating 'humanity in my person' as a means to an end which the mere animal susceptibility

[1] Cf. J. S. Mill, *Utilitarianism*, p. 13.

constitutes. Again, in any act motived by the wish to conform to a self-imposed law, or to bring myself into a state in which I shall habitually do so, I cannot be 'treating humanity in the person of others' merely as a means, for my object is one common to myself with all others so far as properly human (or, as Kant says, so far as they have a rational nature), and thus capable of the same motive. It must not be objected that, if according to a natural law all desire pleasure, pleasure is equally a common object. To desire pleasure is to desire one's own pleasure. To desire someone else's pleasure, unless it be as a means to one's own, is not to desire pleasure at all. Therefore, in desiring pleasure, every man is desiring an object private to himself, and so far as he uses anyone else in obtaining that pleasure, he is using 'humanity in the person of the other' merely as a means. On the other hand, so far as I seek to conform myself to a self-imposed law, just for the sake of conforming to it, there is nothing private to myself in the object. The *form* of law, as distinct from any particular matter to which the law relates, is the same for all rational beings, reason being just the faculty of conceiving law; and in thinking of myself as a giver of law to myself, I necessarily think of every other rational being as doing the same, and thus of myself as a member of one community with them. If, then, it is really the idea of conformity to self-imposed law which moves me to any act, I cannot in the act be using humanity in the persons of others otherwise than as an end. The conceived end to which I seek to give reality, is equally an end to everyone else. It is in my own person that I seek to realise it, but in so doing I am realising it for the benefit of everyone else, for everyone is concerned in the disinterested readiness to conform to law on the part of everyone else. Such conformity on the part of everyone else I must desire in desiring it for myself, and everyone else in desiring it for himself must desire it for me. It is an object to us not in virtue of that element in our nature (the desire for pleasure) which separates us, but in virtue of that which unites us, which gives us the idea of a common good, our reason; for my conformity to such law is equally an object of interest to them so far as they are rational, and no less so is their conformity an object of interest to me.

108. That an act done from the motive described corre-

sponds to the categorical imperative in the third form in which Kant states it, hardly needs to be pointed out. This third form of putting the imperative is directly adapted to the 'principle of autonomy,' the principle that the moral will is the will which is a *source* of law to itself. If the motive to any act is desire for pleasure, I cannot regard myself in the maxim of the act (which will be 'seek pleasure, or so and so as a means to pleasure') as *giving*, or as a *source of*, universal law. In such an act I am taking my rule of conduct from a natural inclination, and in so doing I cannot regard myself as the author of the rule of conduct to which I conform, any more than I can regard myself as the author of any natural process. I may give the form of self-imposed law to a method of action founded upon the desire for pleasure. Having found that the most pleasure is attained by a certain course of action, I may make it my rule to follow that course. Still it is the 'matter' of such a rule, i.e. the pleasure which it is calculated to obtain, not its 'form' as a general rule, on which the 'maxim' of the corresponding act depends, and therefore I cannot regard myself, in setting such a maxim before myself, as *giving*, or as author of, law. Nor is a 'law,' which represents the means by which I propose to myself to attain certain pleasures, a *universal* law at all. It may be that all others would best obtain pleasure by the same means. Still as the end, my own pleasure, for the sake of which I adopt such a rule of action, is private to myself, I can only set the rule before myself as a rule for myself alone. No one can be conscious of a rule, only binding on *him* as tending to *his* pleasure, as in its own nature binding on others, though he may have reason to think that each of those others presents a corresponding rule to himself as tending to his own pleasure. The only object in willing which I can regard my will as the *source* of law is my own conformity to law. It is the only object of which it can be truly said that nothing natural in me, but merely that which constitutes me a man, a person, in distinction from a part of nature, that which enables me to say 'I,' without contribution from any other element, renders it possible for me. So far, then, as this object supplies the motive to any act, so far as my strongest desire is desire to obey a law without any ulterior object, I can in recognising the motive (in presenting it to myself as my maxim) at the

same time regard myself as in it an *ultimate* source of law, and that a law which, for the same reason that I regard myself as the author of it (the reason, namely, that it arises out of the pure principle of personality), I must regard as a law for all other persons.

109. It is thus his conception of the good will as the autonomous will that is the basis of Kant's Ethics. About this the following questions arise, (1) Is there such a thing as a determination of the will by the mere idea of conformity to law, or by a law of action in virtue of its 'mere form' irrespectively of any object to which it prescribes the means? (2) Granting that the will may be so determined, what truth is there in the notion that in being so determined it is 'autonomous,' as determined by a law of which it is itself the source, whereas in being determined by desire for any other object than the fulfilment of law for its own sake it is 'heteronomous'? (3) What truth is there in the identification of virtue with autonomy of the will thus understood, of vice with heteronomy? in the view that states of the will can be divided into that in which it has no other object than conformity to a universal and self-imposed law, as such, on the one side, in which state it is good, and that in which it is determined by desire for pleasure on the other, in which state it is heteronomous and bad?

110. The difficulty which at once suggests itself is, that a law without an object is nothing at all; yet it would seem that only by such a law, according to Kant, may the will be determined if it is to be good; or at any rate that, if the law obeyed has any object, this object must have no influence in determining the good will to obey it. What is it that is enjoined by that law which I am to obey for the mere sake of obeying it? Nothing, according to Kant, beyond merely obeying it but that I should have a will to obey it; but what conception can we form of the will to obey it, how can we know whether we have such a will or no, or whether any action represents such a will or no, unless the law has some content, unless it enjoins something besides willing obedience to itself, by reference to which that willing obedience may be tested? Exclude from the law, as Kant requires to be done, all relation to a 'matter' or 'an object of which the reality is desired,'[1] and what is left of it but a word? Does not

[1] *Krit. d. p. V.* p. 21; *Tr.*, p. 149.

the notion of 'duty for duty's sake,' in short, when logically worked out, prove self-contradictory, since it reduces itself to a duty to do nothing? And is not Kant's real merit the negative one of having worked out this notion more logically than anyone else, and so made this self-destructive result apparent?

111. We answer; when Kant excludes all reference to an object, of which the reality is desired, from the law of which the mere idea determines the good will, he means all reference to an object *other than that of which* the presentation *ipso facto* constitutes the moral law. That in that law, the willing obedience to which characterises a good will, there is implied some relation to an object, and that this object moves the will in the right sort of obedience to the law, appears from his account of man as an absolute end, on which he founds the second statement of the categorical imperative. But it is one thing first to desire an object, of which the presentation does not in itself carry with it any idea of obligation (of a claim independent of any inclination we may happen to have), but, on the contrary, is itself simply a conscious inclination, and then, upon reflection as to the best means upon the whole of obtaining the object, to impose a law upon oneself to adopt those means; it is another thing to be conscious of an object as desirable in such a way as that the consciousness carries with it the idea of a law, a claim on me to make the object mine whether I am inclined to do so or no. In the former case an antecedent desire for the object is the source of the rule which I come to impose on myself as the condition of my gratifying the desire. In the latter case, the consciousness of the object as having a claim on me, or as a source of law, is the condition of any desire I come to have for it, and through that of its determining my will. Kant's point is that the object which may alone form a 'Bewegungsgrund' of the will, if the will is to be good, must be of the latter sort; that the desire for it must be derived from the prior conception of it as desirable. This (which he expresses by calling it a 'formal' as distinct from a 'material' principle) is the condition of its being a source of law having 'objective necessity,' in distinction from the subjective necessity of the individual's inclination. Since such an object, in its relation to us, constitutes an absolute law; since in distinction alike from that for which we have a natural desire (to which the *should be*

has no application), and from the means to satisfy such desire (which only *conditionally* should be), it is presented as that which *unconditionally should be*; Kant considers the determination of the will by it to be a determination by a law in respect of its 'mere form' as apart from any ulterior object to which the law prescribes means. The ultimate question, then, will be, Is there such an object, and is Kant right in his account of it? A further question will be, whether the conception of *law* is properly employed to express our relation to it, and its to us.

112. According to Kant, 'man in his rational nature is an absolute end.' This at least seems to be the result of his two propositions;[1] (1) 'man, and every rational being as such, exists as an end in itself;' (2) 'the rational nature exists as an end in itself.' His view seems to be that since every man, in virtue of his rational nature, presents his own existence to himself as an absolute end, there is for every man (1) a subjective end consisting in his own existence as an end in itself; (2) an objective end arising out of the fact that everyone else presents his own existence to himself as an absolute end, and consisting in the rational nature as common to each man with everyone else capable of presenting his own existence to himself; and (3) that to the good man or good will, this 'objective' end becomes identical with the 'subjective;' so that it is only in respect of a rational nature or humanity, common to himself with all others, that he is an absolute object to himself.

But hereupon it may be asked, (1) With what right is it assumed that it is in virtue of reason that every man presents his own existence to himself as an absolute end? Is not this a perverse way of regarding what is merely the animal instinct of self-preservation? (2) Granting that every man in virtue of his rational nature does thus present his own existence to himself as an absolute end, how should there result from this a common 'objective' end consisting in the rational nature of every man? Would not the fact of every man being an absolute end to himself have just the opposite result—that of rendering a common object impossible? (3) If, in order to get over this difficulty, you suppose that to present one's own existence to oneself as an absolute end is to present one's rational nature as such an

[1] *Grundlegung*, &c. pp 276 and 277; *Tr.*, pp. 65 and 67.

end, the question arises, (*a*) how reason can present itself to itself as an end, how it can be at once an absolute end, and the will which seeks that end? (*b*) how, if it be so, vice, or selfishness, is to be explained, which would seem to imply the presentation by reason (as that in virtue of which a man makes himself his own object) to itself of an irrational object?

113. By an instinct we mean a tendency, of the end or object of which there is no conception on the part of the subject of the tendency. From the nature of the case the analysis of our moral experience cannot carry us back to any such tendency, which, just on account of there being no conception of its end on the part of the subject of it, would have no moral character. It is the necessary condition of a moral act that it be determined by the conception of an end for which it is done. Hence actions done in sleep (resulting from animal tendencies), or strictly under compulsion, or from accident, have no moral character. We are apt, indeed, to speak of actions, which are in truth morally imputable, as if they were due to mere force, e.g. actions done to escape imminent danger, as when a man leaves the post of duty to save his life. But, in fact, such actions are determined by a conception of oneself as liable to a threatened pain, to avoid which the action is done. They are thus not the result of the animal *instinct* of self-preservation (of a tendency of the end or object of which there is no conception on the part of the subject of the tendency), but of a conception of himself as an end on the part of the agent, and just for that reason they have a moral character. In short, in order to become a spring of *moral* action (an action morally imputable, or for which the agent is accountable, an action to which praise or blame are appropriate), the animal desire or aversion must have taken a new character from self-consciousness, from the presentation of oneself as an object, so as to become a desire or aversion for a conceived state of oneself, or for an object determined by relation to oneself. It is because the moral agent is thus conscious of himself as making the motive to his act, that he imputes it to himself, recognises himself as accountable for it, and ascribes a like accountability to other men, with whom he could not communicate unless they had a like consciousness with his own.

114. But admitting the presentation of the agent's self to himself as the object of his action to be the condition of its

having a moral character for good or evil, we may ask why such 'presentation, &c.' is to be ascribed to 'reason'? What has it in common with 'reason' in that sense in which we suppose it to be employed in our knowledge of the relations of things and in the process of arriving at general truths? The answer is that it is only through the consciousness of self that we are conscious of objects as related to each other in one world, and that thus self-consciousness is the basis of all our knowledge. But while there is this real identity between the spirit of man as knowing and the spirit of man as morally acting (an identity properly enough expressed by speaking of reason as having a speculative and a practical employment), we must not ignore the equally real difference between the two employments. Mere abstract self-consciousness does not constitute either one or the other. In regard to knowledge, it is a false abstraction to separate reason from sensuous perception, as if the mere senses gave us certain reports, and then a self-conscious principle wrought these into a connected system. 'Sense without reason is blind, reason without sense is empty.' Mere sense tells us nothing. Unrelated objects (and, apart from self-consciousness, objects would be unrelated) are no objects at all. On the other hand, consciousness of self, save as determined in relation to objects in sensuous perception, would be consciousness of nothing. Thus reason and sense are two sides of the one reality, knowledge. A like truth holds in regard to 'practical reason.' Mere reason, mere consciousness of self, apart from desire, would be no principle of action at all, for it would not be a presentation of a state of oneself, or of an object related to oneself, as a state or object *to be attained or realised.* Reason, then, in the sense of self-consciousness, is the condition of moral activity, inasmuch as the motive to such activity is the presentation of a state of oneself, or of an object related to oneself, as a state or object to be attained or realised. Such a motive may be described as desiring or wanting self-consciousness, or as self-conscious desire (*νοῦς ὀρεκτικός* or *διανοητικὴ ὄρεξις*).

115. Such a motive issuing in act, or such an activity as so determined, = will, which thus, alike whether good or bad, necessarily involves practical reason; though there may be (as we shall see) a further sense in which only the good will can be identified with practical reason. This account

of the will corresponds in effect to what may be called the geueric notion of the will in Kant, though in his later moral writings he uses 'Wille' in the specific sense of *good* will, (i.e. for desire determined not merely by self-consciousness, by *any* kind of conception of self as an absolute end, but by a *true* conception of self as an absolute end; in other words, for will *free* in the sense of being autonomous, as opposed to that sense of freedom in which even the heteronomous will is free), while he uses 'Willkühr' for the will free or rational only in that sense in which it must be so to be a spring of action morally imputable, good or bad. The account above given of will applies to it equally in the two forms or states which Kant in his later ethical writings (not in the *Grundlegung*) came to distinguish as 'Wille' and 'Willkühr.'

Of will in the generic sense Kant gives in different places three definitions. It is (1) the faculty of bringing into existence, or of setting oneself to bring into existence, objects corresponding to ideas ('Vorstellungen'); (2) the faculty of acting according to the consciousness ('Vorstellung') of laws; (3) a species of causality which belongs to living beings so far as they are rational. Freedom is a property which belongs to their causality so far as it can operate independently of determination by alien (or external) causes ('fremde Ursachen,' causes foreign to itself), while natural necessity is the property which belongs to the causality of all irrational agents, the property of being determined to activity by the influence of alien causes.

116. As to these three definitions, observe, first, that they all imply an essentially different notion of will from that held by the psychologists (e.g. Bain), who regard it simply as an 'activity directed by our feeling.' Kant's definitions (1) and (2), indeed, would not be materially altered by the substitution of the term 'activity' for 'faculty,' and 'faculty' is always a misleading term. In speaking of will as a faculty we are apt to convey the notion of its being other alike than man and his activity, something which belongs to him but is not himself. The truer way of thinking of it is as the man in relation to a certain sort of activity, or a certain sort of activity considered in relation to the man from whom it proceeds (as distinct from the consideration of it in relation to its effects). But then we have to ask, What *sort* of

activity? and here the difference between Kant's view of it and Bain's is essential. With one it is activity determined by feeling, with the other activity determined by reason. It does not, of course, matter intrinsically whether the term 'will' is or is not applied to 'activity directed by feeling' generally (in which sense it will cover the same ground as Aristotle's ἑκούσιον, and like it be equally predicable of animals), or whether it is restricted to activity proceeding from desire and aversion of a rational subject, i.e. a subject conscious of himself as an absolute end. What does matter is the distinction between the two forms of activity, which is conveniently marked by keeping the term 'volition' for one, and 'will' for the other.

117. Observe next that Kant does not himself say that by 'rational' in definition (3) he means 'self-conscious' in the sense explained. We are warranted, however, in saying (*a*) that Kant always understood self-consciousness to be involved in reason, though reason, as he often uses the term, means more than this; (*b*) that by understanding 'rational' as = self-conscious in definition (3), we are able to adjust this definition to the other two; for the consciousness of self is the condition of there being a consciousness of objects which one may set oneself to bring into existence (mere feeling not being a consciousness of objects), and also of there being a consciousness of law; (*c*) that only by so understanding 'rational' does the definition become equally applicable to the vicious and virtuous will. If Kant had been asked what he meant by 'rational' in this definition, he would probably have said 'capable of being determined by the consciousness of law'; and so far as rationality is understood to mean merely the *capacity*, as distinct from the *actuality*, of such determination, the definition will be equally applicable to the will as it exists in the morally good and the morally bad, as 'autonomous' and 'heteronomous.' But self-consciousness is *capacity* for determination by the consciousness of law. It makes the difference between the natural agent determined according to laws and the moral agent capable of determination according to the consciousness of laws. Consciousness of law implies consciousness of a subject to which the law relates, and of this self-consciousness is the condition. Conversely, self-consciousness, the presentation of self as an end or as that to which all ends

are relative, carries with it a distinction between that which is good as satisfying a present want, and that which is good for me on the whole; in other words, that capacity for determination by the conception of the desirable, as other than determination by desire, which may become determination by the consciousness of law. Observe that anyhow 'heteronomy' or bondage of will does not = its naturalisation; it is not a condition like that in which one natural phænomenon is determined by 'fremde Ursachen,' because the determining object, whatever it is, is one which the agent makes his own (he is determined by his consciousness of his self as an absolute end). Kant, in anxiety to maintain that only will determined by rational laws is free in the sense of *autonomous*, is apt to write as if the heteronomous will were not a will, according to his definition of will, at all; as if it were determined by 'fremde Ursachen' in the same way as natural phænomena. But in truth, 'to admit a nature into the will' in the sense of adopting a motive from animal susceptibilities (supposing that to be a true account of the bad will), is quite different from becoming natural, in that sense in which determination by 'fremde Ursachen' is characteristic of the 'natural,' or from losing the characteristic of will as activity determined by the consciousness of self as an end. It is the nature of will to be free in this sense. Except as representing will thus free, action is neither moral nor immoral.

118. The will, then, being equally as virtuous and as vicious a 'species of causality which belongs to living beings only as rational,' i.e. only so far as the living being is self-conscious, and thus presents himself to himself as an absolute end (in all his desire desires some conceived state of himself or some object determined in thought by relation to himself), the question arises how the good will can be distinguished, as the will of which the object is man as an absolute end, from the vicious will of which the object is something else; or as the will which treats humanity in the person of the agent and in all other persons only as an end; or as the will which is autonomous, because determined by a law which itself as reason gives to itself, from the will which is heteronomous, as being determined by qualities of some object alien to itself, i.e. by anticipation of pleasure. Or, as the question was put above (§ 112), 'Granting that every man

in virtue of his rational nature does thus present his own existence to himself as an absolute end, how should there result from this a common 'objective' end, consisting in the rational nature of every man?'

In answering this question we must bear in mind that the presentation of self as an absolute end, which is involved in, and forms the rational element in, all willing and moral action, whether good or bad, is not a presentation of it as an empty and abstract self, but as a determinate self, as in a certain state determined by relation to certain objects, or of those objects as determined by relation to it; and, further, that the state and the objects have yet to be attained or brought into existence. (The relation of consciousness to a state or objects contemplated as already attained or actually in existence is not one of willing at all.) The character of the will, then, though it is always a presentation by the agent of himself as an absolute end, will vary according to the state of himself, or according to the objects determined in thought by relation to himself, which he seeks to attain, or, as we commonly express it, according to the nature of the man's dominant interests. The conceived object, to which in willing he seeks to give reality, may be a state of himself as enjoying certain animal pleasures, or a state of himself as fulfilling some vocation dimly conceived as belonging to him in a divine plan of the world in virtue of the possibilities of improvement which he finds in himself. Or it may be (and more probably is, most men being neither sots nor heroic philosophers), some state of himself as filling a certain position in relation to his family or neighbours or fellow-citizens and finding happiness therein. Or it may be an object which could not naturally be described as a state of himself at all, but which is still determined by the relation in which he places it to himself, the ruin of an enemy, the happiness of a beloved person, the success of a political movement, the painting of a picture, the writing of a book, the improvement of his neighbours, the conversion of the heathen. There is thus great variety in the states under which, and the objects in relation to which, the self is presented in that concrete presentation of it as an absolute end which is involved in willing, and the question is, whether they admit of being classified in two orders; so that in so far as his will is directed to one order of states or objects, a

man may be considered (*a*) to be living for an object common to himself with all rational beings and consisting in the perfection of the rational nature; (*b*) to be living for humanity, 'treating it in his own person and in that of all others as an absolute end,' and thus (*c*) to have his will 'autonomous': whereas, so far as his will is directed to the other order of states or objects, he may be considered to be (*a*) living for an object private to himself, separating him from instead of uniting him to other men and rational beings; (*b*) treating humanity, the rational nature, in himself and others as a mere means; and (*c*) to have his will 'heteronomous.'

119. Perhaps there may be truth in such a classification; but before we consider in what sense it is true, we must explain in what sense it is inadmissible. It is not true, as Kant seems to hold, that human motives are reducible either to desire for pleasure on the one side (in which case the will is 'heteronomous'), or desire for fulfilment of the moral law on the other (in which case alone, according to him, it is 'autonomous'). He is quite right in holding that no ground for distinction between higher and lower desires can be found in the exciting causes of the desired pleasure, if pleasure is in each case the object of desire; he is quite right in holding that desire for pleasure, as such, is, from the moral point of view, all of a sort, and cannot be the motive of a good will. His error lies in supposing that there is no alternative between the determination of desire by anticipation of pleasure and its determination by the conception of a moral law. It is this which leads him to say that 'if my will is determined to act for the happiness of others, merely as for the attainment of an object of desire, it is really my own happiness (pleasure) that is the ground of the determination: nor is there any alternative between making this the ground of determination and finding it in the mere *form* of the maxim ('Seek the happiness of others') as fit for universal law.' Now, so far as by this he merely means to protest against the notion that any man's obligation to seek the happiness of others is founded upon his desire for it, he is quite right. Such a notion can only mean that I ought to seek the happiness of others for the sake of the pleasure arising upon the satisfaction of the desire which I feel for this happiness. But it is quite another thing to suppose (as

Kant seems to suppose) that a man's desire for the happiness of others must be ultimately a desire for the pleasure which he shall himself find in their happiness, unless it is a desire determined by the conception of a law commanding me to seek the happiness of others. In the ordinary concrete form of a desire to make this or that person happy, it is neither one nor the other, any more than is any other desire for an object. The notion, indeed, that the sole object of desire is pleasure, involves a confusion between the object which excites desire and the pleasure which ensues upon the satisfaction of the desire; in other words, the mistake of supposing that desire is excited by the anticipation of its own satisfaction; whereas, obviously, desire must previously have been excited by some other object before any such satisfaction can be anticipated. We are thus falling into a false antithesis, if, having admitted (what is true) that the presentation of self as an end conditions, or the quest of self-satisfaction is the form of, all moral activity, we allow no alternative between a motive consisting in the presentation of self as a subject to be pleased and that consisting in the presentation of it as a subject of law. Ordinary motives are neither of the one kind nor of the other. They represent interest in the attainment of objects without which the man cannot satisfy himself, and in attaining which he will find pleasure, but only because he has previously desired them. It is the object that he desires, not the pleasure which, having desired the object, he finds in the satisfaction of the desire. Such interests, though not mere appetites, because conditioned by self-consciousness, correspond to them as not having pleasures for their object.

120. [A passage follows dealing with the relation of pleasure to desire, which is substantially embodied in the *Prolegomena to Ethics*, and does not bear directly upon Kant's doctrine. It concludes as follows.]

The desires of men, then, as distinct from animal appetites, may be classified as (1) desires for pleasures incidental to the satisfaction of appetites; (2) desires for pleasures other than these, for pleasures of pure emotion, and for the pleasures attendant on the satisfaction of interest; this last form of desire for pleasure presupposes another kind of desire, which is not a desire for pleasure at all, viz. (3) desires for the attainment of sundry objects or for the reali-

sation of sundry ideas, which may come to be followed, and perhaps sustained, by an anticipation of the pleasure which will ensue upon their satisfaction, but which must have arisen antecedently to this anticipation, and must be independent of any desire for pleasure. What, then, is to be said of the moral value of the desires thus classified? According to Kant, only the interest which reason constitutes is morally good or the spring of a morally good action, and there is no such interest but that in the fulfilment of a universally binding and self-imposed law as such. All other interests, according to him, are reducible to desire for pleasure, and that is an interest with the constitution of which reason has nothing to do. It is as animals or parts of nature that we are susceptible of pleasure. Thus in being determined by pleasure as its object the will is 'heteronomous,' determined by a natural influence which it admits into itself, but which does not proceed from it. Now we have tried to show that many of our desires, which involve no interest in the fulfilment of the moral law, are not desires for any sort of pleasure. We might fairly, too, reject the notion (if that were what Kant meant) that there is anything morally bad in the desire for 'innocent pleasure' (desire, e.g. to repeat the pleasure which we experienced in hearing a piece of music yesterday). Does, then, Kant's distinction of the interest which reason constitutes, and in determination by which the will is autonomous and good, from those interests which the rational will (as self-consciousness) merely adopts and finds means to satisfy, thus suffering itself to be 'heteronomous,' afford any real criterion of the moral value of our motives?

121. I think that it does; but in order to put the question on a right footing, we must bear in mind that the proper subject of moral valuation is not this or that desire, but a *character* or action considered in relation to character. Desires, classified as above, in abstraction from the character as a whole of the man experiencing them, and from the effects on the character of the actions moved by them, are neither morally good nor morally bad. To desire pleasures, this, that, or the other, is one thing; it is quite another to live for pleasure, to be a pleasure-seeker, to be a man with whom the desire for pleasure (not for 'pleasure in general,' for that is a fiction of hedonist philosophers, but for certain

pleasures which the particular person finds specially pleasant) is the dominant interest. And though it would be a mistake so to separate pleasures from their exciting causes as to consider them all of a sort (nor did Kant, I think, mean so to regard them), it is not a mistake to regard the living for pleasure (the character of the pleasure-seeker) as a moral condition which is the same whatever the differences of the pleasures sought by different pleasure-seekers in relation to their exciting causes may be: nor is it a mistake to regard it as a form, though not the sole form, of moral badness. The ground, too, for so regarding it is that the man so living (as will be explained) has for his dominant interest one which, though affected by reason like every other possible human interest, does not issue from reason as the motive power in man's development. Kant is only wrong in regarding it (or seeming to regard it) (*a*) as a state in which certain men are living, whereas it is only a state to which they tend, an ideal[1] rather than an actual condition; (*b*) as the only alternative to the state in which the sole interest is in the moral law.

122. What, however, it may be asked, is the ground of distinction between desires for pleasures, which we say are morally neither good nor bad, and the living for pleasure as a mode of character and a mode which is bad? Is not the living for pleasure equivalent simply to the series of desires for this or that pleasure, so far as these are stronger than other desires? Is not the pleasure-seeker the man who is always desiring some pleasure or other more strongly than he desires anything else, and who thus acts from such desire (the will being simply a strongest desire)? With what meaning, then, can we ascribe moral goodness or badness to character, and deny it to desires which are simply character in detail?

By character, as that to which moral predicates are ultimately relative, we mean the way in which a man seeks self-satisfaction. The will is always an effort after self-satisfaction (as explained above, a presentation of some state of oneself or of an object determined in thought by relation to oneself, as to be attained or realised in preference to any other), and character depends on the direction which this effort takes, on the nature of the state or objects in which this self-

[1] ['Ideal' is queried in the MS.]

satisfaction is sought. No doubt it may sometimes be sought in one sort of object, sometimes in another, but the effort always tends to fix itself in a certain direction; and only so far as it does so, is there a character which we can call good or bad. Thus to children, because in them this tendency is not yet fixed or ascertainable, we are only able to ascribe a moral character in some anticipatory way. It is not intended, then, to deny that desires as they actually are found in a man admit of being morally good or bad. What is meant is, that they only admit of this in virtue of the relation in which they stand to character, defined as above. E.g. a passing desire for revenge against a person who has insulted one, simply in itself, is neither good nor bad. The man who experiences it is (or tends to be) good or bad according to the mode in which the set of his character (the nature of his dominant interests, of the objects in which he has come to seek self-satisfaction) leads him to deal with it; whether to keep out of the other man's way and distract himself with occupations till the desire has passed away, or to seek occasion to gratify it. Conversely with a desire to do a kindness to some one. This is not morally good in itself. It may be bad in relation to the character of a self-indulgent man, in the same sense in which desire for revenge may be good in relation to the character of a man whose dominant interest in good work so absorbs it, that it passes off in the shape of increased warmth in fighting some public nuisance. But a more exact way of speaking is to say that the man who has it is good or bad according to the direction which the set of his character gives to its manifestation. Kant in one place seems to say that benevolence is of no moral value if you have any natural liking for the persons towards whom you exercise it. Critics make merry over this, but it is true that benevolence only has a moral value so far as it belongs to the character of a man who has come to seek his self-satisfaction in pursuits which will make him do good to others whether he likes them or no. So in regard to pleasure. The wish for this or that pleasure, and the act determined by it, is not bad unless either (1) the pleasure is one which would not be pleasant to a man who was seeking to satisfy himself with worthy objects, or (2) the wish for this pleasure belongs to a character which seeks satisfaction in pleasure, a character in which the quest of pleasure is the

dominant interest. Some people (as we have seen) have come to fancy this the sole object of pursuit, because they necessarily seek self-satisfaction, and self-satisfaction when attained is pleasant. But the self-satisfaction which a man seeks, though *ipso facto* pleasant supposing it to be ever attained (pleasant with the pleasure which attends on every effort in the attainment of its end), is not properly said to be pleasure, unless pleasure forms the object with which in the general tenour of his life he seeks to satisfy himself. In that case we speak of him as the 'mere voluptuary.'

123. While it is true, however, that pleasure-seeking, i.e. the set of the character towards pleasure, in whatever way excited, as that in which the man seeks his self-satisfaction, is essentially immoral, it is not the only type of immorality. To consider it so is as much a mistake as to consider the conscious interest in the realisation of the moral law the only type of moral goodness. Immorality is selfishness, i.e. the direction of a man's dominant interest to an object private to himself, a good in which others cannot share. The character of the pleasure-seeker is necessarily selfish in this sense, but so are other forms of character. That the pleasure-seeker necessarily lives for an object private to himself may seem inconsistent with the fact that we 'share each other's pleasure,' but it is not so. When a man is said to share another's pleasure, what is meant is that, having desired the same object with the other, he is equally pleased in its attainment; or that, the pleasure of the other having been his object, he is satisfied when that object is attained, when the other is pleased. In each case the pleasure is private to the person enjoying it; and so it always must be, even when it is incidental to the attainment of an object that is really common. It is only because we confuse the pursuit of a common object, i.e. of a good by which others than the pursuer will be the better, with the pursuit of the pleasure which will ensue when the object is attained, and thus regard those as pleasure-seekers who are not really so, that we come to imagine there can be pleasure-seekers who are not selfish, not living for an object purely private to themselves. But though pleasure-seeking is necessarily selfish and immoral, it is not the only form of immorality, considered as selfishness. A man may be living for an object other than pleasure, e.g. his own glory, and yet

be purely selfish, inasmuch as his good (the object in which he seeks self-satisfaction), though not pleasure, is yet one in which others do not share, for which they are not the better. On the other hand, a man may be living for objects in the effort after which he takes no positive thought for the good of others, without being therefore selfish. An artist or man of science, who 'lives for his work' without troubling himself with philanthropy, is yet not living for an object merely private to himself. His special interest may be shared by no one, but the work which results from it, the machine constructed, the picture painted, the minute step forward in knowledge, i.e. the man's good as attained, is a good for which others are the better (whereas no one is the better for the fact that you or I are pleased now and again).

124. It may seem that we have travelled a long way from the promised vindication of Kant. This was to involve the reduction of all virtuous motives to manifestations of an autonomous will, as a will of which the object is (*a*) the fulfilment of a universally binding and self-imposed law, and (*b*) man as an absolute end. We have spoken of the good will, in relation to which alone any desire or act is morally good, as the will set in the direction of attaining worthy objects, and objects for the attainment of which others than the person willing them will be the better: of the bad will (of which the pleasure-seeking will is a conspicuous but not the sole type) as the opposite of this. But we have not shown how we are to estimate the worthiness of objects, or how in being determined by them the will is autonomous. To do so we must make a new beginning.

[The passage which follows is substantially embodied in the *Prolegomena to Ethics* (see e.g. §§ 118 ff., 174–177, 193, 200-205). The following is an outline of the argument:—

'Owing to the fact that man not only wants, but is conscious of himself as wanting, conscious of himself as other than his want, though related to it, at once determining and determined by it, there may and in some measure always must supervene upon his desire for this or that object, a desire for a more perfect state of himself.' The conception of more fully realised possibilities involved in such desire may be called a conception of 'a desirable as distinct from the desired.' 'The capacity for desiring an

object because thus conceived as desirable . . . is the foundation of man's moral nature.' 'The moral value of a character . . . depends on the degree to which such desire is habitually dominant.' Now the self, the fuller satisfaction of which is presented as thus absolutely desirable, is from the first a self 'existing in manifold relations to nature and other persons,' and 'these relations form the reality of the self.' Thus the conception of a self to be satisfied necessarily carries with it the conception of this object 'as common to himself with others.' Such a conception in its most primitive form is the germ of what Kant calls a 'Reich der Zwecke,' a 'kingdom of ends.'

Thus the object presented to itself by reason as the absolutely desirable is from the first potentially what Kant requires of the object of the good will, viz. (*a*) an object for all rational beings, (*b*) the source of a *law* binding on all rational beings as such. It is (*a*) because, 'so far as A and B are each interested in an ideal of his own perfection, the object of their interests is really the same,' and (*b*) because 'the man who is conscious of his own better being' as his object, is 'conscious of a principle of action which from its nature, whether he acts from it or no, is universally and unconditionally applicable to his life, and which at the same time conflicts with motives that cannot be acted upon if it is to be acted upon.' Such an object need not be *adequately* conceived as the common good, but only 'up to the lights' of the individual in question: on the other hand, it does need to be recognised by him as giving rise to a law unconditionally binding on him. No particular object or law can be presented which completely satisfies these requirements, except the object which 'consists in the disposition to seek perfection,' and the law 'be perfect.' But nevertheless 'an object of merely relative value may be pursued with a devotion which arises from a consciousness, unable clearly to interpret itself, that there is something which has absolute value, and a law of limited validity may be obeyed with loyalty due to an assurance of there being an universal law, which cannot state to itself with adequate universality what that law enjoins.']

125. So far our concern has been to show that the principle of good character, being desire determined by the conception of the absolutely desirable, is for that reason a

prevailing readiness to conform to a universally binding law of conduct because recognised as such. The rule of conduct upon which the good man acts is not always, we find, (perhaps never) one which, in any form in which he could state it, is fit to be universal law; but to him it bears an authority derived from an ideal of absolute good, of which the operation upon him transcends his powers of definite intuition and expression, and is therefore presented as having a claim upon his obedience not conditional upon his likes and dislikes, a claim in that sense unconditional and universal. His goodness consists in his practical recognition of that claim. But it is a further point in the Kantian doctrine, that in order to be good a man must conform to a universally binding law, not merely as universal, but as self-imposed. Upon this two questions arise; (*a*) In what sense is the moral law in its truest form really self-imposed? (*b*) Is it necessary to moral goodness that the rules of conduct which a man recognises as unconditionally binding upon him should also be recognised as self-imposed?

Answer to (*a*). The presentation of a moral law, which is the same thing as its existence, arises, as we have seen, out of the conception of the absolutely desirable, and this again arises out of the consciousness in man of himself as having the possibility of becoming something which he is not actually, but which he must become in order to be satisfied with himself. In other words, the moral law is the product of the individualising principle in man, that which alone enables him to say, 'I am myself and not another,' and to think of anything as his own. We properly enough represent this state of the case by saying that the moral law is self-imposed. This is quite compatible with saying that it is *not* of our own making in the sense that it is not the product of any desire or aversion, or of any number of desires or aversions, which any one of us or any number of us happen to have. It does not rest with you or me, in the ordinary sense of the words, or with anything which we may or may not will or do, whether there shall be such a law or no, any more than it rests with us whether we shall or shall not be rational beings, though it is through reason that each is a self in the only intelligible sense, i.e. as self-conscious. It is quite compatible also with saying that it is of divine origin. We rightly consider it so (rightly call it the divine

command or expression of the divine will) if we are right in holding (*a*) that the human self-consciousness is *in principle* identical with the divine—i.e. identical with it in respect of its *form*, or *as self-consciousness*, though not in respect of the limited matter which this self-consciousness takes into itself, or of its development in time; and (*b*) that that perfection of persons in a perfect society, that 'Reich der Zwecke,' towards which we are perpetually struggling, but which, under the conditions of human life, can never be fully attained, exists as eternally complete in God. To those who so think, if the conception of morality as obedience to divine law comes to seem scarcely appropriate (because God cannot properly be thought of as standing to us either in the relation of a political superior or in the relation in which desire determined by the conception of an absolute good stands to other desires as a restraining 'imperative'), it is only to have its place taken by the conception of it as the fulfilment of a divine vocation, or as submission to a necessity, to which in one way or another all submit, in that way which makes the difference between the morally free and the morally 'bond,' viz. a willing submission from the recognition of it as a divine order which leads those who so recognise and submit to it towards that union with God in which one's own perfection is to be found.

126. (*b*) But must the law of conduct be also recognised as self-imposed, in order to true goodness? To say so seems at first to contradict the 'conscience' of the unsophisticated man. To him it seems that in doing his duty he is emphatically not his own master; that it is imposed on him, as he would probably say, from without. In the perplexities of modern controversy he will often be found to protest that if there is no external imponent of moral law, there is no such law. What he means to convey by this, however, is that it must be what Kant calls 'objective,' not dependent on the individual's likes and dislikes, not a product of any desire other than that determined by the conception of the absolutely desirable: but he interprets to himself the 'objective' under the figure of the 'external,' an interpretation of it which must clearly be understood in some very loose way, for strictly the term 'external' expresses a relation in space, a relation which cannot obtain between the conscience and the law which it recognises.

Granting, however, that the conception of the moral law as 'objective' in the sense explained, as dependent not on any principle of action private to the individual himself (such as desire for this or that pleasure, or for any object which is an object to him in virtue of his special temper and tastes), but on the consciousness of an unconditional good common to all rational beings, satisfies all the requirements of conscience; granting that the plain good man only demurs to the notion of the moral law being self-imposed, and insists on its being something 'external' to him, because he does not quite understand what is meant by 'self-imposed' and 'external'; still it is another matter to say that it is necessary to the goodness of the good man that he should conceive himself as the author of the law which he obeys. On consideration we shall see that the self-imposedness of the moral law is really implied in the absoluteness or finality of the moral object. If a man is not thoroughly good whose act is 'pflicht-mässig' ('conformable to duty'), but not done 'aus Pflicht' ('from duty'), whose outwardly virtuous act is done either under force or from fear of punishment or hope of reward, then a man is not thoroughly good whose motive to right action is derived from anything else than his own consciousness of the absolute value of right action. Such a man will tell us that he does whatever good act he does because it is the will of God, or the will of his king or country, or the will of his parents, &c. or what his neighbours expect. But he is also conscious that he does not serve God or king, &c. aright, if he does it for any ulterior motive, for hope of reward, or fear of punishment. Why, then, does he do it? Because he conceives that he ought, cannot bear to think of himself as not doing it, sees something intrinsically desirable (viz. his own perfection) in it. The 'sic volo sic jubeo' is thus the ground of his action. The law which he obeys is really self-imposed, and he is conscious of it as such, though the consciousness requires a certain 'maieutic' before it can be brought to the birth in a shape in which he will acknowledge it, and the delivery is impeded by the difficulty of distinguishing himself, as the author of the law which he obeys, from those desires which are his own and which he imputes to himself, but which conflict with obedience to the law. It is not necessary to his goodness that this 'maieutic' should have been fully performed, and that

he should be prepared to regard himself as the author of the law which he obeys. What is necessary is that he should be independent of all inducements to obey it beyond the consciousness of the obedience itself as a thing absolutely good, an end in itself, which implies, whether he admits it or no, that it is self-imposed.

0. *IMPOSSIBILITY THAT DESIRE FOR PLEASURE SHOULD YIELD A MORAL LAW.*

[See *Critique of Practical Reason*, first part, I. 1, § 3, Remark II.]

127. 'ALL men, according to a natural law, seek pleasure. The way to find the moral law or rule of conduct is to find how this end, necessarily sought, may best be attained.' To this Kant objects that if the uniform means of attaining the maximum of pleasure could be discovered, the resulting rule of conduct would have no 'objective necessity,' but only a necessity of the same kind as the necessity of desiring pleasure, i.e. a physical necessity, which from the moral point of view is an accident depending on subjective [1] susceptibility to pleasure. In order to understand Kant's view, we must distinguish man's relation to the physical world, as a phænomenon among other phænomena, from that relation to himself in respect of which he is a moral agent. His susceptibility to pleasure and pain is a physical relation. If the imagination of pleasure and pain were uniform determinants of the animal faculty of desire, this determination would be an '*objective* law of *nature*,' not a moral law at all. Looking at action, as part of nature, from without, this law would be 'necessary' for us with the 'necessity' which belongs to our conception of nature, which compels us to regard phænomena as a system. This necessity, indeed, is in one sense according to Kant of subjective origin. It results from the presence to all phænomena of that which is not itself a phænomenon, viz. the ego; but the result is the '*objective* necessity of *natural* laws,' laws which, but for the

[1] The terms 'objective' and 'subjective' shift their meaning according to the point of view. 'Objective' means that which does not depend on the 'subject,' and in each case we have to inquire what the 'subject' is from opposition to which its meaning is derived. Here 'objective' means that which depends on reason, as the source of the moral law, and which is thus the same for all rational agents, the 'subject' to which it is opposed being the individual as susceptible of pleasure. Taking the 'subject' as the rational self, then the moral law would be 'subjective' as being a law which *this* subject imposes on itself.

ego, would not be, but are not laws *of* the ego, do not apply to it. Moral laws, on the contrary, if there are such, are not laws of relations of phænomena *inter se*—not laws merely resulting from the relation of the ego to phænomena—but laws imposed by the ego on itself, and regulating, not the interaction of phænomena, but the relation of the ego to phænomena, as a subject *formally* self-conscious and self-determined, but only gradually *realising* its self-consciousness. That alone has necessity as moral law, or for man as a moral subject, which arises out of the relation of reason to itself as its own end, as striving to give reality to itself—to its own possibility—in the phænomenal world. In contrast with this necessity the relation of imagined pleasure to animal desire is a mere accident. Its physical necessity lies outside his moral life. On the other hand, the relation of *conceived* pleasure to the rational impulse after self-satisfaction is an element in his moral life, for in selfishness it constitutes the matter, the transformation of which is the problem of the moral life.

128. It may be said, 'Why should not 'physical necessity' suffice? What 'objective necessity' in a law of action need we or can we seek but 'physical necessity'? Is not the supposed 'necessity' of Kant's moral laws (the necessity represented by the judgment, 'I ought,' 'as a rational agent I must') itself properly a 'subjective' necessity? i.e. a necessity merely arising from the subject's habit of mind, the habit of conformity to laws representing the general convenience of society, to be accounted for as a tendency gradually defined by the mutual action and reaction of man and his environment, and transmitted?' The answer is, that physical necessity is necessity in the sequence and simultaneity of sensible events. The connection between the conception of an end or the conception of a law and an action is not a sequence of this sort, and the law regulating it, from the nature of the case, is not a physical law. A rule of conduct, derived from observation of the physical consequences of actions in the way of producing pleasure, is still not a physical law. A merely natural agent cannot present a rule of conduct to itself. The presentation of it, as a rule of what should be done in distinction from what is done, arises from the effort of reason, as a principle of self-realisation, conditioning and conditioned by an animal nature, to

become what, as so conditioning and conditioned, it is not; the effort to find an end adequate to itself, which it can in truth only find by making it, by giving reality to its own possibilities. The 'good,' the 'desirable' (as distinct from the desired), the 'should be,' the 'moral law,' are different ways of expressing the relation of the self-conscious subject to such an end. So long as reason seeks it in what does not depend on itself, in what it finds but does not make, in pleasure, which is the satisfaction of an animal susceptibility, just as possible without reason (Kant would say, much more possible), it is seeking it in what relatively to it is accidental, in what does not arise out of the principles through which alone there comes to be a 'should be' at all. To say, in short, that I ought to pursue an end, viz. pleasure, which (as those who say it ought to be pursued strongly insist) in virtue of my animal nature I inevitably do pursue, is absurd. Just because the pursuit of pleasure is a physical necessity (though not therefore a necessity to us who are not merely physical), it cannot be morally necessary—cannot be that which *morally* must be.

P. *CHIEF POINTS OF DIFFICULTY IN KANT'S MORAL THEORY.*

129. THE points of difficulty in Kant are, (1) The opposition of the idea of the moral law, which alone determines the 'good will,' to 'Erfahrungsbegriffe.' If not derived from experience, what is its origin, and what is its content? Is there any alternative between its being derived from experience and its being innate? And is not the condition of children and primitive races, nay, of such a people as the Greeks, in whose philosophy it is a received commonplace to say that the idea of duty does not appear, fatal to the supposition of innateness; to say nothing of Kant's own admission, that observation suggests the doubt whether an act corresponding to his definition of a morally good act, as proceeding from the pure idea of duty, was ever done? In like manner, is there any alternative between leaving the idea of duty a mere empty abstraction, an idea of nothing in particular to be done, and appealing to experience to tell us what our duty is? Does not Kant himself implicitly make such an appeal in adopting the rule that the maxim of an act must be one fit to be universal law, for how can anything but experience settle this fitness? [1]

(2) The doctrine that no result of any kind can contribute to, or detract from, the moral goodness of an act. Will not this (*a*) justify some of the most mischievous acts that are done, which yet the agent does 'conscientiously'? and (*b*) leave us without any sure standard by which to judge of the actions of others, and liable to much self-deceit in regard to our own, since everyone can flatter himself that his motive was good, however much mischief may have resulted from his action? [2]

(3) We may admit that not the actual result, but the intended result or motive, gives the moral character to an

[1] [See above, sections 104–105.]
[2] [See *Prolegomena to Ethics*, book iv. ch. 1.]

action. Does not Kant, however, make it the condition of a good act that every possible motive to it should be absent? It is not to be determined by any 'motive *a posteriori*,' but only by a 'principle *a priori*,' the 'posteriority' and 'priority' being posteriority and priority to desire. An instance of a 'motive *a posteriori*,' which he himself gives, is natural benevolence, the desire to give pleasure to another. If a beneficent act is to be morally good, according to him, such desire must be absent. Thus it would seem (*a*), that what we are apt to think the best acts, acts of instinctive kindness, are set down as having no moral value; and (*b*), that the morally good act remains without a motive, i.e. practically impossible. Διάνοια αὐτὴ οὐθὲν κινεῖ. A principle prior to all desire can be no principle of *action* at all.[1]

(4) What is meant by the 'objective necessity' of the moral law and morally good action? How can action be 'objectively necessary' which scarcely anyone does? Can 'law' be properly applied to anything but the command of a political superior? If the application of the term can be extended to any uniform order, as when we talk of 'natural law,' how can it be applied to that of which you can neither say that it is the command of a political superior, nor that it is a uniform order of phænomena? How, if we allow ourselves to talk of moral law, can it be 'objectively necessary,' when scarce anyone conforms to it?[2]

[1] [See above, section 110–111, and 122.]
[2] [See above, section 125–126.]

LECTURES ON LOGIC.

I. LOGIC OF THE FORMAL LOGICIANS.

II. LOGIC OF J. S. MILL.

Note of the Editor.

The following lectures on logic were delivered in 1874–75 when Green was a tutor at Balliol College. They take the form, not of a systematic exposition of the subject, but of a commentary and criticism on H. L. Mansel and J. S. Mill, the most representative of the writers on logic who were at that time studied in Oxford. In some points (especially in D and G) they will be found to supplement the preceding lectures on Kant.

I. THE LOGIC
OF
THE FORMAL LOGICIANS.

1. As to the office of logic, there are two principal views among modern writers, (*a*) that of the 'formal logicians,' of whom Hamilton and Mansel are specimens, (*b*) that of all others, the view, viz. that logic is the science of the method of knowledge. Mill, Kuno Fischer, Sigwart, Ueberweg, under various expression, agree in this, though their views of *what* the method of knowledge is vary according to the difference in their notions of what the object of knowledge is. This question, what the object of knowledge is (or, How is knowledge possible? What are the presuppositions as to our relation to the objective world from which we must start in inquiring what the method is by which we come to scientific knowledge?), is the question of metaphysic, according to those who believe in the possibility of metaphysic. Those who do not would generally say that the questions with which metaphysic has professed to deal can only be dealt with by psychology, as the method of ascertaining by experiment and observation how men reach the stage of consciousness in which scientific reasoning, or the establishment of truth upon evidence (of which logic analyses the method), becomes possible. Any way, whether we get our answer to the above questions by 'metaphysic' or 'psychology,' or by both, the answer must at least affect logic, according to the above account of it.

There are those (*a*) who identify logic and metaphysic; who hold that the question of logic, What is the method by which knowledge is attained? is inseparable from the question of metaphysic, What are the necessary forms (the primary relations) of the objects of knowledge or the objective world? There are those (*b*) who, admitting the possibility and necessity of metaphysic (as the science of the

categories), hold that from the inquiry, What are the conditions under which an object that is to be known must exist? can be separated the inquiry into the process by which we, as individuals of imperfect and growing intelligence, attain to knowledge, a process which, *as a whole*, forms the subject-matter of psychology, and of which that part which we can consciously regulate (which it rests with us to perform correctly or incorrectly, and which can thus be corrected by us in virtue of the recognition of certain rules), is the subject-matter of logic as part of psychology. It may be held, e.g., that the question, How is it that the world exists as a quantity? (or, What is the origin of quantity?) is a *metaphysical* one, the inquiry into the general nature of quantitative reasoning a *logical* one: again, that the question, How is it that there is a system of nature? (What is the origin of the 'principle of the uniformity of nature'?) is a *metaphysical* one, the analysis of the methods of induction (observation and experiment) founded on this principle, a *logical* one. According to this, though metaphysic and logic may be distinguished, metaphysical theory must condition logical. There are those finally (*c*) who discard metaphysic altogether, holding that 'nothing is required to render reasoning possible but the senses and association'; that thus the presuppositions of knowledge, or conditions under which all knowable objects must exist, are, in fact, habits or tendencies of our minds which, by a process of sensitive experience, extending over innumerable generations, but ascertainable by experiment and observation, have become uniform or 'necessary,' and that the difference between this process and that which logic investigates lies in the fact that the latter admits of being correctly or incorrectly performed according as it does or does not conform to rules of which we are conscious. Such persons must adjust their doctrine of scientific method to this doctrine, as, e.g., Mill tries to do by making out that the principle of the uniformity of nature, which the inductive methods presuppose, is the result of an unconscious induction constantly going on,—if this means (as it should to a Humist) that the above principle = a habit of expectation formed without our being aware of it.

2. From the above view in all its forms is to be distinguished that of 'formal logicians' (in the Hamiltonian sense). With them logic is the science, not of the method

of knowledge (which implies relation to *objects*), but of those 'forms of thought' in conforming to which we think *correctly*, but in a way that contributes nothing to knowledge or truth. This view goes on the supposition that while, as all agree, knowledge has to do with real objects, there are processes of thought which do not affect and are not affected by such objects. It is inconsistent, then, alike with the doctrine that objects are only objects as for thought (and that thus every correctly performed process on the part of the thinking subject is a modification of the objective world, and every modification of the objective world is a further determination of the thinking subject), and with the doctrine that thoughts are merely a result (a symbolic summary) of sensible events.

It derives its account of the formal processes of thought in the main from Aristotle, to whom, however, the opposition between correct and true thinking, between thought and knowledge, between laws according to which the subject thinks, and laws according to which objects are known, is wholly alien. Aristotle conceived his logic to be an account of the process by which the world is known, and this process to be a reproduction of the order in which the world exists. The process by which we know, as distinct from that by which we come to know, is one from *φύσει πρότερα* to *φύσει ὕστερα*. The worst of it was that, as he had no clear conception of any way of getting to the *φύσει πρῶτα* but that of successively subtracting from properties connected by a general name till a minimum of meaning was arrived at, so he had none of the progressive specification of the general idea (which is the true process of knowledge, corresponding to evolution in nature [1]), but that of passing from the name of least meaning, and therefore applicable to most things, to names of more meaning applicable to fewer things. Thus the Aristotelian or syllogistic logic earns the reproach of consisting in a series of verbal propositions. It represents neither a method of arriving at knowledge nor the system of ideas which constitutes the known world (in which general laws are so specified by particular conditions as to account for events), but is merely of use for analysing what is involved in conceded general propositions. Thus it is specially adapted for the purposes for which the Church, according to

[1] [The words 'corresponding . . . nature' are queried in the MS.]

the Catholic theory, needs a logic. Hence its use by the Schoolmen. They did not want a method of arriving at truth, nor a theory of what knowledge consists in, for all truth was supposed to be conveyed, as the object of faith, not of knowledge, in revelation. What they did want was a method of evolving what was involved in conceded propositions of the faith. Nominalism is the process by which scholastic logic destroys itself. It is the recognition of the fact that in its deductions from universals syllogistic logic was merely analysing the meaning of names. Hence the modern mind, in the effort to know the truth about nature itself, discards it. Descartes, Spinoza, Leibnitz move in as complete freedom from it as Bacon or Newton. Practically it has continued in vogue as a method of arguing or disputation (in distinction from a method of knowing or learning to know), specially of theological and forensic argument, for which it is well fitted, because, in common life, the object of argument is generally conviction of inconsistency (proof that an opponent ignores something involved in a proposition which he concedes), while the object of forensic and ordinary theological argument is of like sort, viz. to show that a general rule of law covers some particular case, or that a text in Scripture or a Father implies some particular doctrine, which the author of the text probably never contemplated, but which may be syllogistically deduced from it, because verbally covered by it. Applied to such purposes, —in other words, as a rule for securing consistency in the interpretation and application of general terms,—syllogistic logic has its value (a value as a practical, though not as a speculative, science).

3. But meanwhile—chiefly upon the strength of the least true or valuable side of Kant's doctrine—a theory of formal logic has been constructed, which is incompatible even with the secondary office assigned to it above. According to this view, it is a *speculative* science, which investigates the laws of '*formal*' thinking; and 'formal' thinking means a process (*a*) of formal conception, by which, given certain attributes, they are conceived to represent one or more objects without reference to anything other than those attributes; (*b*) of formal judgment, by which, given two concepts (attributes conceived as representing objects, as above), one attribute or set of attributes is thought as either

contained in, or excluded by, the other without reference to anything beyond these several attributes or sets of attributes; (*c*) of formal reasoning, by which, given two judgments having one term in common, and without reference to anything beside those judgments, an individual or a class is thought as contained in, or excluded from, a certain set of attributes or class, because contained in, or excluded from, one which that set or class contains or excludes.[1] The process in each case is governed by the 'principles of identity and contradiction.' In virtue of these, given certain attributes, we by 'pure thinking' (i.e. without reference to anything else), (1) conceive them, if contradictory, as not representing the same object, (2) conceive the object to which in any case they are referred as 'thereby limited and separated from all other objects, as being itself and nothing else.'[2] Again, given the concepts *p* and *q*, 'if *q* contain the attributes *o*, *p*, *i*, I can by a law of thought alone determine that all *q* is *p*, or, if *q* contain an attribute contradictory of *p*, I can in like manner determine that no *q* is *p*.'[3] The same applies to mediate judgment or syllogism.

4. It may be asked, first, whether this account represents any *process* of thinking whatever,—whether the ostensible result of pure thinking is not exactly the same as its beginning. The strict formal logicians virtually admit that it represents no process in this sense. Thus in formal conception 'attributes are given'; if so, an object or objects which they determine (i.e. distinguish from other objects) is also given, for otherwise they are not attributes. What is there then in the result achieved by pure thinking, in the form of conception (which is described as reference to an object), which is not *explicitly* in the data? There are two ways in which it may be sought to meet this objection.

(*a*) 'Formal conception' may be taken to mean the mental act by which attributes are constituted, by which that which would otherwise be merely a feeling becomes a property of a feeling subject or of a felt thing. But so to understand it, however correct in itself, is inconsistent with the whole doctrine of formal logic, according to which formal thinking takes its materials as given, and neither adds to nor alters them. But 'formal conception,' according to the suggested

[1] See Mansel's Edition of Aldrich, *Artis Logicæ Rudimenta*, Introduction, pp. lxii–lxviii. [2] *Ib.* p. lxv [3] *Ib.* p. lxvi.

interpretation of it, would be an act which, if it could be fitly said to have a 'matter' (feeling) given it at all, at any rate absolutely transforms it. Again, whereas formal logic turns on the separation of 'laws according to which the subject thinks' from 'laws according to which the object is known,' the first act of formal thinking, if the above suggestion is adopted, would be one which constitutes the objective world and is the common principle of all knowledge. Not only, then, will it not be admissible as a part of formal thinking; the admission that there is such an act of thought at all is fatal to this doctrine of formal thinking, as showing that the antithesis between 'laws according to which the subject thinks' and 'laws according to which the object is known' is untenable.

(*b*) It may be said that, though 'attributes are given' *to* formal conception, and with attributes necessarily objects, yet *as given* they are in a state in which contradictory attributes are liable to be referred to the same thing, and in which objects really identical, because thought under the same attributes, may yet be supposed different; and formal conception gets rid of this confusion. This, however, is incompatible with the strict 'formal' view. If certain given attributes are not *explicitly recognised* as contradictory to begin with, it is not by mere formal thinking that they are conceived as necessarily belonging to different objects, because in that case reference to something other than the attributes, as already conceived, is needed in order that an incompatibility between them, not yet recognised, may become so. It does not follow that there must be 'new experience,' but, if not new experience, there must be some further consideration of connection between different elements of what we already know, which implies that something other than the 'given attributes' is taken into account. So, too, when we come to formal judgment: the conception of the attributes *o* and *p* as included in *q* must be explicit, or it is not mere formal thinking that elicits them from *q* in the judgment 'all *q* is *p*,' &c.; and the conception of inclusion being thus explicit, there is absolutely nothing in the judgment that is not in the conception, and there is no process of thought from one to the other. The same holds, *mutatis mutandis*, of formal inference.

5. The formal logicians do not disguise this. To repre-

sent attributes which formal thinking finds to be not referable to the same object, they take 'a and not a,' 'white and not white,' 'round and not round,' i.e. attributes already cleared from all possibility of confusion with each other. As 'not round,' e.g., has no determination or qualities of its own except as the contradictory of 'round,' there can be no real act of thought involved in the transition from the presentation of such attributes to the conception of them as necessarily belonging to different things. In like manner the formal logician, in order to make sure that the thinking involved in immediate and mediate inference shall be merely formal, seeks for such expression of judgments as removes all appearance of there being any thought involved in the inference at all. 'Quantification of the predicate' is no doubt required by the principles of formal logic. But, when once judgments are expressed in quantified form, the formal inference from them is reduced to *nil*. So long as the judgment stood, 'all men are mortal,' there was some colour for saying that in the judgment, 'some mortals are men,' there was a further act of thought: but put it as 'all men = some mortals,' and the conversion into 'some mortals = all men' loses all appearance of forming a further act of thought at all.

6. This brings us to the second main question that may be asked as to the value of formal logic. Granted that it does not represent any *process* of thought (from something previously thought to something not thought in thinking the former), still it may be held that it rightly represents a *complete act* of thought; that the tendency of thought is to reach the form which formal logic represents, according to which an attribute is thought as contained in a group, and that again in a more complex collection, or, conversely, an individual in a class and that again in a larger class. Is this true? Is thought, in its complete form, a series of *quanta*, one including, or included in, or equal to, the other? This takes us back to the nature of logical conception and judgment. With the formal logician a concept is a notion of an attribute or bundle of attributes fixed by a sign, which in the act of conceiving I regard as representative of an individual; or (as Hamilton seems generally to put it) a concept is a notion of a class, as possessing some common attribute or attributes, to which class in the act of conceiving

I refer the individual. In logical judgment, either an attribute (predicate) is thought of as contained in a group of attributes (subject), or a smaller class (subject) as contained in a larger (predicate), according as one or other of the above views of the concept predominates. Meanwhile with the constitution of the individual object and its attributes thought is supposed to have nothing to do. This is 'perceived' or 'presented in intuition,' and from it (according to this theory), as thus from time to time presented, the mind has 'abstracted' attributes, and put them together as a concept fixed by a name (or, in Locke's language, into a nominal essence), upon which, as things have been found to which the name was applicable, a class has been formed. The ordinary act of conception takes place when some perceived object (or 'phænomenon') is 'found to agree with the abstract idea' (as Locke would say), 'is referred to the class' (as Hamilton would say), 'is thought under the attributes included in the concept' (as Mansel would say): 'this is a man,' and so forth. Here, it would be said, there is a *presentative* element and a *representative*, the former indicated by the 'this,' the latter by the predicate, which shows that the presented object, or intuition, is referred to a class, or brought under a concept, representative of an indefinite number of other like phænomena. The difference of this from the *formal* act of conception would be that in the latter case, though an object of intuition (or individual object) is thought under the attributes,—in other words, though these are taken to represent such object,—it is a *possible* object of intuition, not an actual. (E.g. having a concept containing the attributes of roundness, whiteness, softness, I *conceive* a round, soft, white something,—thus, in Mansel's language, 'individualising my concept,'—though I do not *perceive* anything.)

7. 'Intuition,' according to Mansel (*Prolegomena Logica*, p. 9, note), = 'every act of consciousness of which the immediate object is an *individual*, thing, state, or act of mind, presented under the condition of distinct existence in space or time.' It includes 'all the products of the perceptive (external or internal) and imaginative faculties' (ib.). 'In every act of consciousness the ultimate object is an *individual*. But in intuition this object is *presented* to the mind directly, and does not imply the existence, past or present,

of anything but itself and the mind to which it is presented. In thought, on the other hand, the individual is *represented* by means of a concept, which contains certain attributes applicable to other individuals of the same kind. This implies that there have been presented to the mind prior objects of intuition, originating the concept or general notion to which subsequent objects are referred. Hence arises another important distinction. All intuition is direct and presentative; all thought is indirect and representative' (ib. p. 11). 'Sensation' (apparently) is not yet 'intuition': it is to intuition as mere *feeling* to *felt thing*, a feeling not *attended to*, not distinguished by 'this,' 'here,' or 'now.'[1]

We must distinguish (1) sensation without consciousness. There may be an affection of the afferent followed by one of the efferent nerves (in the case of reflex action), accompanied by no consciousness. 'Sensation' is scarcely a proper name for such an affection; certainly not 'feeling,' which we always take to imply consciousness. (2) Feeling, not individualised as an object, of which the expression is a cry of some sort. (3) Presentation of an individual object.[2] (2), forming no part of our intelligent experience, can only be described by negatives. It carries with it no distinction of subject and object; its only distinction is as pleasant or painful. How do we know anything about it? Partly by observing actions of our own which imply that pleasure or pain is felt, when at the same time, from occupation of thought, there is no consciousness of pleasure or pain as an object, no reference of it to a thing. Partly by observing animals, in which we find the signs of feeling, common to them and us, but not the sign of (3), viz. language. They *cry*, but do not afterwards convert their cries into signs of things, from which we infer that they do not, in the proper sense, perceive things.

[1] [Cf. *ib.* p. 12, note.]

[2] It may be questioned whether to animals is to be ascribed only (1), as, I believe, was the Cartesian view, or (2) as well. Are they unconscious or conscious automata? The cry of certain animals, I should suppose, showed them to have (2). Must not (3) be ascribed to them as well? Does not a dog, when it turns to scratch a flea-bite, *localise* the pain, and is not the localised pain already 'intuition'? Was R. Hall, when, as he supposed, he was unconscious during preaching of pain caused by calculus in the kidney, really without (2)? Did excitement of thought change (2) into (1)? Or was it that feeling remained, but that he did not *attend to it*, did not refer it to himself or a thing? Probably the former.

What Hamilton calls 'sensation proper' is a form of (3). He distinguishes 'sensitive perception or perception simply' into two kinds (*a*), 'sensation proper, conversant about a subject-object,' and (*b*) 'perception proper, conversant about an object-object.' It is 'that act of consciousness whereby we apprehend in our body (*a*) certain special affections, whereof as an *animated* organism it is contingently susceptible (sensation proper), and (*b*) those general relations of extension, under which as a *material* organism it necessarily exists.'[1] He quite admits (§ 22) that 'sensation proper,' thus understood, is mainly 'an act of intelligence.' The distinction corresponds to that of 'outer' and 'inner' sense, according to Kant's doctrine that 'outer' sense is distinguished from 'inner' as that of which space is the form from that of which not space, but only time, is the form. It also corresponds to the distinction between secondary and primary qualities.

The objections to this usage of terms are, (*a*) that we want the term 'sensation' for (1) and (2) above; (*b*) that 'sensation' naturally carries with it an opposition to 'intelligence,' whereas according to Hamilton's usage it is purely an act of intelligence, only qualified as exercised on occasion of an 'affection of an animated organism'; (*c*) that it conveys the notion that sensitive perception ('perception of sensible qualities') is consciously to the subject of it apprehension of an affection of his animated organism. This of course is not the case: we perceive colour long before we are aware that it is an 'affection of our animated organism.'

8. Is, then, the notion of thought given above the true one, viz. that it is the function (*a*) of abstracting attributes found in individual things presented to it, and then (*b*) of taking such attributes, fixed by a name, as representative of the individual things, which, as thus represented, form classes? If it is, then the developed content of thought may be fitly regarded either as a series of groups of attributes, of which the more complex contain the less, and expressed by names ranging from more full to less full meaning, or, conversely, as a series of classes of which the wider, expressed by names of less full meaning, contain the narrower, to which names of fuller meaning correspond. If this is the true view of

[1] Appendices to *Reid's Works*, note D.

the content of thought, the doctrine of formal logic is justified.

In (*a*), as stated above, there are three fallacies. One lies in the antithesis between presentation and representation, intuition or perception and conception, as if with the former thought had nothing to do. Another, in the notion that individual things are 'found' to have attributes, i.e. that attributes are there and observed apart from the action of thought. A third, in the notion that mere abstraction of attributes really constitutes any intellectual process whatever.

The so-called 'immediate intuition' only has any content just so far as it is not merely presentative. Just as, when, in view of Locke's doctrine, that that only is 'real existence' which can be known in 'actual present sensation,' we ask how much of any supposed real object is reducible to 'actual present sensation,' we find that the object disappears, so is it when we ask how much of an object of intuition remains after abstraction of all that belongs to it as representative. 'This book' is an object of intuition, but all qualities in virtue of which I recognise the object as a book depend on its relations to objects not now presented in intuition at all, of which relations, therefore, the knowledge is representative, not presentative. In the absence of these nothing remains as merely presented but the 'here' and 'there,' 'now' and 'then,' 'this' or 'that'; and can even the 'this' and 'that' be said to be merely presented? Does not 'this' always indicate a relation of something to, and distinction of it from, a subject conscious of itself as not beginning or ceasing with the presentation of 'this,' through the medium of which again the present something is related to, and distinguished from, other 'somethings'? But neither the identity of the ego, nor the past somethings to which, through common relation to the ego, the present is related, can properly be said to be presented. Identity = unity in multiplicity. Identity of the ego = its unity in manifold experiences: to it the antithesis of presented and represented has no application. If it is to be applied at all, we can only say that the identity of the self is both presented and represented. It is present now, but present as that which was equally present in my past represented experience. It may be said, indeed, that the other things, by relation to

which the 'this' is determined, are in turn 'presented as individual under the condition of distinct existence in space or time,' in other words, that 'this here' is contrasted with 'that there,' and 'that,' 'that,' and 'that.' But admitting that the ἕτερον to any given object is thus a series of separately presented individuals, the *relation between* the given 'this' and them is not 'presented as individual under the condition of distinct existence in space or time.' It is not in any 'here' or 'now' at all, and it is this relation which makes the given 'this' what it is. It thus appears that the distinction between intuition and conception, as severally presentative and representative, breaks down. Mansel (p. 13) admits that one sort of intuition, viz. imagination, is both presentative and representative. But the possibility of the distinction implies that both the perceived object and the imagined object are determined by relations which are not 'presented.' Merely as an 'act of consciousness of which the immediate object is an individual, &c.' imagination does not differ from perception, except indefinitely (as Hume said) in degree of liveliness. The difference is that in the one case the modification of consciousness, in virtue of certain relations, is referred to a permanent cause which it is supposed would operate equally upon others, in the other case it is referred to an 'inward' cause, to a certain state of my organs which others, under like outward conditions, would not share, while at the same time its similarity to previous perceptions (in the sense defined) is recognised. But neither the relation to an 'outward' cause in the one case, nor to an 'inward' in the other, is matter of intuition according to Mansel's definition of intuition.

9. Conception is distinguished from intuition as the representation of an object under attributes from the presentation of an individual object under the condition of distinct existence in space or time. But the object 'represented under attributes,' according to Mansel, is an *individual* object. There remain, then, according to Mansel, only two points in which the conceived object can differ from the intuited. The conceived object, though individual, may not be 'distinct in space or time,' or the intuited object may be presented without attributes. Mansel, however, distinctly says that in conception attributes must be referred to an

object of intuition (it being possible, according to him, to have intuition without conception, but not conception without intuition). It remains that the intuited object differs from the conceived in the absence of attributes, while yet all the while the content of the conception is supposed to be attributes found in, and abstracted from, objects of intuition. Thus we are again brought to the same conclusion that an *unconceived* object of intuition (an object of intuition not determined by thought) would be a nonentity, and that the representation of the process by which knowledge is formed as one which begins with such mere intuition and goes on to conceptions by abstraction of attributes, is self-contradictory; it represents abstraction to take place when as yet there is nothing to be abstracted.

10. In truth attributes mean relations; conception=the thought of objects under relations, and under relations every object must be thought in order to be an individual object at all. The 'thisness' and 'thatness,' 'here' and 'now,' of the object of intuition are already relations of which the intuiting subject is conscious, and of which, as of all other relations, he is only conscious because he *thinks*; because, as a subject equally present to and distinct from successive feelings, he holds them together as one. We must observe that to be in time and to be conscious of time are different and mutually exclusive things. It may be asked, How can this be? When I think of time, is not the thought an act of consciousness—an event—which takes place in time? No doubt an act of consciousness is an event in the individual's history which is in time, which begins and ends, succeeds another, and is over before yet another begins; but it would not be a thought of time but for its determination by a subject which holds past and present together, which is no more *now* than it was *then* or will be *to-morrow*, and this is not in time. The thought of time, like all thought, is eternal, but associates itself in man with occurrences in the way of feeling which, in virtue of that association, are not merely events in time, but are thought of as such. Of two successive feelings, one over before the next begins, neither can be consciousness of time as a relation between the two. Every animal has experiences in time, and animals that see have experiences in space in the sense that there are pictures on the retina of their eyes of which *to us* the parts are ex-

ternal to each other. But it is quite another thing to be conscious of *relations of space and time*. This they are not unless, in virtue of other than a feeling consciousness, they can hold together (*a*) successive feelings so as to be conscious of them as related in the way of succession, and (*b*) successive acts of vision in which a surface is traversed so as to regard them as coexisting and mutually limiting parts of a whole. It may very well be (if they do not think, it is so), that for no animal does space or time exist, though *really* and *for us* their experiences are in space and time.

11. Thought, then, as consciousness of determination by relations, is necessary to constitute the object of intuition, and if one is to use the antithesis of presentation and representation at all, one must say that thought is representative, because neither its object nor the relations by which its object is determined are present as feelings. They are things which, not being in succession at all, cannot properly be said to be either past or present. Here is this table now before me. The sensation it excites in me is in time: I turn my head and it is gone,

> Like a bubble on a river,
> A moment here, then lost for ever.

But the relations which make this appearance what it is *really* and *in my understanding* do not come and go, nor does the object, distinct from all others, 'itself and not another,' 'individual,' which they together constitute. This individual object is a thing of the understanding, other than the feeling excited in me when I see or touch the table, so that I judge it to exist when I am not there to feel it, and, when again I have a sight or touch like the first, pronounce it to be the same table, whereas a feeling as such can no more be the *same* with another than one moment of time the same with the preceding. When I say 'this is the *same feeling* that I had before,' I am *thinking* the feeling; the feeling is 'objectified,' become a thing of the understanding. It is not that there are two tables (as Plato dreamt), a 'real' table which I see and feel, an 'ideal' table which I think. This individual table which I see and feel (to which I refer my sensations) is constituted by relations to the system of the universe and to my nervous organism which, like all relations, only exist for a thinking consciousness; relations

which would not exist for me any more than time exists for a jelly fish which expands and contracts itself in successive times, unless I *thought*; which do not exist for me *in their fulness* because I think inadequately; and which, like thought, are not in time as feelings are. Plato's mistake lay in the confusion of feeling and felt thing, and the consequent notion that, because feelings were in perpetual flux, therefore 'sensible things' were, in opposition to ideal things which were eternal. In truth the sensible *thing*, whether by this we mean the sum of the conditions of the given sensations or the object to which I refer the sensations, = the ideal thing or thing constituted by thought, and is eternal. 'But,' it will be said, 'the table decays.' True, but decays according to eternal laws. That which it was once in certain relations it is for ever in those relations. The whole of nature does not change, but only the distribution of its parts, and that relation to the whole of nature which makes this table what it now is determines also its decay, a decay in which there is no loss, but only transference.

12. After all, however, the conviction will remain that there *is* a difference between intuition and conception; between 'ideas which force themselves upon me whether I will or no,' and those which I call up at pleasure; between this table as I see it, and my thought of it under its essential qualities. These several differences are not to be treated as equivalent to each other. There is no doubt a difference (*a*) between intuition and conception, but, according to the *upshot* of Kant's doctrine,[1] it is a difference between thought *under certain conditions* (conditions which arise out of its relation to or operation upon sense), and thought exempt from these conditions. There is a difference again (*b*) between imagination and perception, as between that which is in a certain

[1] There are not two objects, a conceived and an intuited; conception, as consciousness of relations, is necessary to that simplest individualisation of feeling without which there is no 'this' or 'that.' But (according to Kant) every *known* object involves acts both of intuition and conception; of *conception*, in so far as it is a determination of an object through relations to a potential universe of objects (a determination without which there would be no object); of *intuition*, in so far as the matter, which through such determination becomes an object, is a datum of sense. Out of this relation of the known object to the datum of sense arises its separateness in space and time, which may thus be said to belong to it as intuited, while it is neutralised so far as the object is conceived (or, in other words, is properly an object), for, in respect of its determination by other objects, though 'intuited' as being separate from them in time and space, it is not really so: all that belongs to it, or makes it what it is, comes from them.

sense arbitrary and that which I cannot help; and again (*c*) between the real thing and my conception of it, as this at any time happens to stand; but (*a*), (*b*), and (*c*) are not to be confused with each other. If anyone's conception of an object differs from its reality, so must his intuition of it, for, as we have seen, all the *content* of an intuition lies in conceived relations. A conception being the thought of an object under relations, in intuition the object so thought is regarded under special conditions of distinctness in space or time. This is the common distinction of all intuition, whether 'pure' or 'empirical,' whether perception or imagination. The question is, whether this is the condition of all thought, whether I can think an object otherwise than in space and time. We have tried to show the mistake of supposing that there can be intuition without conception: can there be conception without intuition? Kant held that there could be, but that such mere conception or thought did not amount to *knowledge*. Hence, according to him, though you could *think* such objects as a cosmos (the totality of conditions), freedom (*causa sui*), God (the self-conscious subject of the physical and moral worlds), and though you might be sure that there were such objects (which he held to be the case at least with regard to freedom), you could not know them, because from the nature of the case they were not presentable as intuitions, i.e. as distinct in space or time. Kant was quite aware that all relations are conceived, not intuited (or, more properly, are conceptions). The 'categories,' with him, as those universal relations without which there would be no objective world, are 'pure conceptions' to which no object of intuition corresponds, but they differ from 'pure ideas,' as being relations, or conceptions of relations, which may and do obtain between objects of intuition; whereas the 'ideas' of freedom, totality of conditions, &c. are ideas of that which, from the very nature of objects of intuition, can have no application to them.

13. Mansel[1] holds (what is quite different from Kant's view) that there can be no conception without intuition; that, attributes being represented by verbal signs, we may and do reason by means of these signs, without at each step referring the attribute signified to an object of intuition, but that in so doing we reason without distinctly conceiving

[1] *Prolegomena Logica*, p. 30, ff.

what we are reasoning about, and that if at any stage in the process, for fear of being misled by mere words, we ask ourselves what it is that we mean, we can only answer by an act of conception which involves reference of attributes to an object of intuition, such reference being necessary to conception as such, not merely to *true* conception. In this doctrine there seems to be a confusion between (*a*) the logical necessity of referring all attributes to a subject individualised by its attributes, of thinking all relations as relations between things determined by them, and (*b*) the necessity, if judgments are to represent facts, that they should relate to objects of possible perception, should be verifiable by sensible experience. The individualised subject in the former case, the subject which all conception implies, is not intuited, not necessarily presented as separate in space or time. But though it is not necessary to *conception* that its subject should be intuited, it may be necessary, if conception is to represent real knowledge, that it should *relate* to experience in the way of sense, to objects that can be perceived; and the perceived object, as arising out of data of sense, though not itself such a datum, is intuited, i.e. presented as distinct in space and time, though at the same time in virtue of the conception (determination by relation) the distinctness is denied, suppressed, neutralised. It does not follow, however, because a judgment about nature, in order to be true, must thus *relate* to sensible experience, that its subject need be intuited or an object of possible perception.

14. It seems to me that the need of intuitionalising conceptions depends entirely on the nature of the object to which any given conception purports to relate. If it is an object of the physical world—this world consisting of phænomena distinct in space and time—I must be always able, if my conception is more than a name, to refer the conceived relations either to an object distinguished from all others as occupying a certain space, or to an event distinguished from all other events as occurring at a certain time. If I talk of some kind of reciprocal action between bodies, and my talk is to mean anything, I must conceive such action as between bodies which I present to the mind's eye in distinct spaces; and further, if my language is to represent not only a conception but a *true* conception, I must be able to compass a *perception* of such bodies so acting. (Of this more below.)

In like manner, if I talk of a particular relation of antecedence and sequence, to secure *meaning* I must present to myself events in time between which the relation holds, and to secure *truth* of conception I must be able to *perceive* them. On the other hand, when the conceived relations do not purport to be relations between separate things in the physical world, e.g. the relation between man and man, between subject and object, between motives and will, between man and God, or God and the world, there is a *tendency* to intuitionalise the conception arising from the fact (*a*) that it is hard (some say impossible) to think without expressing thought in language, and (*b*) that our language is primarily appropriate to the physical world (indeed to our first impressions of the physical world), and that only by a constantly shifting process of metaphor is it made to do other duty. This tendency (which is the ultimate source of dogma) leads us into paradoxes and contradictions, out of which we are apt to find an escape in mysticism. The true way of escape is to recognise the tendency itself as altogether misleading. Is not the true notion of 'faith,' that it is the apprehension of objects which we *conceive* but cannot present in *intuition*, an apprehension of which the proper expression is not language but moral action? Such 'faith' is almost the opposite of what is apt to be reckoned so, viz. a facility in presenting intuitions which purport to be of that which does not really admit of being so presented at all. In moral action, too, not in perception, lies the verification of such conception. 'That which for man is true, man can verify'; but all verification does not lie in the possibility of perception. The existence of the moral law and determination by the conception of it cannot be verified in this way. There is no perceivable object which, as perceivable, demonstrates the existence of the moral law because it is impossible otherwise to be accounted for. To perception in the strict sense (the same sense in which we verify physical theories by it) there may be no difference between an act determined by physical causes, an act determined by expectation of pleasure, and an act determined by the conception of a moral law. You cannot, as in verifying a theory of physical causation, say, here is an action on one side, and here on the other is such a motive, the only one present in all cases where the act is done,

therefore this motive must be the cause. You cannot thus verify, because the action as 'Handlung' ('action on its inner side') is not perceivable at all. But every man can verify the existence of the moral law by acting according to his conception of it; nay, he even verifies it (shows it to be real) by asking whether there is such a law, and why he should conform to it; for its 'real existence' only purports to be an existence for his consciousness, and that it so exists he shows by asking such questions about it. And this verification of the moral law and of man's capacity for being determined by the conception of it (even though the determination by it be not such as to outweigh determination by sensuous desire) is also verification of a reason which is at once author and subject of such law, and which is thus other than natural.

15. So much for the distinction between intuition and conception. Now for that between perception and imagination. There is undoubtedly *a difference* between this room as I look round and the same as I might represent it to myself elsewhere an hour hence. Is the one consciousness real, the other unreal? Is the one the work of 'things without us,' the other the 'work of our own mind'? If my perception of this room were merely a sensation or succession of sensations, then its difference from imagination of the room, in which there need be no element of sensation at all, would be obvious. But there is no perception without an intellectual interpretation of sensation. In the supposed case, it means that on occasion of a certain sense of colour, a complex object, determined by certain relations, which has gradually formed itself in my thoughts, recurs to my consciousness. In what does this differ from imagination of the room? (*a*) The *occasion* of the recurrence of the thought object to consciousness is different. Imagination is often quite as involuntary as perception, but the nervous irritation which occasions it is of a different sort. (*b*) The relations by which the object is determined in the two cases, though in some respects alike, are in others different. The perceived object stands in a certain relation to my body and to other things outside my body, in which the imagined object does not. These differences between perceived and imagined objects, however, are not differences either (*a*) between 'the work of things without us' and 'the work of mind,' or (*b*)

between 'real' and 'unreal.' Not (*a*), because on the one hand to the act of imagination as much as to the act of perception there is necessary some affection of the animal organism, and on the other an intellectual synthesis is as necessary to constitute the relations which render the perceived object what it is as it is to constitute the imagined object what it is. Not (*b*), because each object has its own reality, there being no unreality in the imagined object till it is confused with the perceived, till those relations to my body and other things outside my body which characterise the perceived are wrongly ascribed to the imagined.[1] When we ask, Was such and such an appearance real or imaginary (in absence of any suspicion of fraud)? the question is not properly whether the appearance has any reality at all (if it is 'bare vision,' still it has its own reality), but whether the relations of the appearing object (which constitute the reality) are such as the subject of the appearance takes them to be.

16. Next as to the difference between the real thing and my conception of it as this at any time stands. Our crude notion of the antithesis between what is real and what is thought gives way before the consideration that all reality lies in relations, and that only for a thinking consciousness do relations exist. It is apt to be supposed that reality in some special sense belongs (*a*) to feeling, as that which the individual cannot help having, (*b*) to what is material. But the supposition (*a*) in fact means that the feeling is real in virtue of its *relation to an outward cause*, and for a merely feeling consciousness there would be no such relation. Feelings being successive, there could be no *identification* of one with another (in the judgment 'this that I now feel is the same object that I felt before'), no reference of feeling to an outward cause which does not pass along with it. We must always bear in mind that when certain writers speak of the 'unreality of mere feeling,' they mean feeling as it would be for a merely feeling consciousness. Every feeling has abundant reality as determined by its actual conditions and effects; but what is meant is that for a subject which merely felt there would not be this determination (this determination would not be presented as an object).

17. As to the supposition (*b*), ask yourself what you mean

[1] Cf. *General Introduction to Hume*, §§ 188, 189; vol. i. pp. 153, ff.

by 'matter,' and you find that, whatever the answer (e.g. matter is the extended, matter is solid, matter is the unknown cause of sensations), it is a statement of some relations or other. Thus, if it be true that whatever is real is so in virtue of its being material, this still implies that reality is constituted by relations, though all but a particular sort of relations are arbitrarily excluded. In the doctrine of evolution 'matter' is no longer merely defined by certain specific qualities (extension or solidity) that belong to it *as matter*. It becomes what ὕλη (in one of its senses) was to Aristotle, the germ or possibility (δύναμις) of all things. But, according to this view, for the determination of matter by certain limited relations is substituted its determination by relation to all that is developed out of it. Suppose all the life of the universe, including our spiritual life, to have been developed out of a primitive matter; the *actuality* of this must have lain in what has been and is being developed out of it. In other words, so far as it was *really* anything at all, it had really a spiritual life. There is no alternative between saying that it was really all this and saying that it was really nothing. That which is the bare possibility of all things can only be in and for itself nothing. You cannot say anything of what it is, but only of what it is to be. But 'ex nihilo nihil fit.' If your primitive matter were *really* what it is, merely in and for itself, void of qualities, nothing, the evolution of the universe from it would be unaccountable. We have therefore to suppose that it does not exist merely in and for itself, but for a thinking subject for which it is not nothing but all things, determined by relation to all that is to be consequent on it or come out of it. Thus, though the doctrine of evolution is fatal to the old natural theology, so far as this regarded God as a great architect who made the world as a man makes a machine, it logically necessitates the existence of an eternal thinking subject, in relation to which alone the primitive matter is the possibility of what it becomes, and each lower phase of life the antecedent condition of a higher. Any notion to the contrary arises from the transference to matter, in the only proper sense in which the evolutionist can regard it (viz. as that which *by itself* is nothing, though the possibility of all things), of the qualities which belong to it in the sense in which the mechanical philosopher

speaks of it, as that which is extended, or resists pressure, or conveys force. Transferring these properties to the primitive matter, people are able to evade the alternative of regarding it either as absolutely nothing, 'ex quo nihil fieri potest,' or as being already to an eternal mind what it shall become. But if we allow this transference, and so, finding a reality for the primitive matter in these qualities, dispense with that determination of it by what it shall be, which implies its presence to an eternal mind, we are bound to show how these properties of matter account for what is otherwise unaccountable, life, animal and spiritual, &c. which, it must be supposed, not having existed up to a certain time, then began to exist in virtue of the properties of matter as mere modes of the motion of particles. According to the true view, which regards 'primitive matter' as indeed nothing by itself, but for an eternal mind determined by *all* that is to follow it, this difficulty does not arise; for according to it, as the 'primitive matter' is already more than what it is in and by itself, so every successive actualisation of it is *really* what as yet *in time* it is not. *In time* there was motion before there was organic life, and one sort of organic life before another, but *really* (for the eternal mind for which alone it was anything) the motion was more than it was in and by itself, was determined by its τέλος, had its essence in that which was to follow it.

18. That 'all reality lies in relations' will more readily be admitted than that 'only for a thinking consciousness do relations exist.' 'Granting,' it may be said (what indeed is quite clear), 'that if we did not think as well as feel, if there were no thinking subject to hold our feelings together, we could not *be conscious of* relations, it is quite another matter to say that there *would be* no relations.' But at any rate one should think that the burden of proof lies with those who hold that relations exist otherwise than as we know them to exist. *For us* it is quite certain that only through the equal presence to successive feelings of a subject other than they, which holds them together, and thus held together regards them as its object, are there related things or relations at all. It is not that first there are relations and then they are conceived. Every relation is constituted by an act of conception.

This is not to be understood as meaning that there is

'nothing but the soul and its feelings,' or that realities are feelings, even feelings as determined by thought. It is through feeling as determined by thought that for us there comes to be reality, but the reality is not to be identified with the process by which we, as thinking animals, arrive at it. Even simple facts of feeling (e.g. the fact that a certain sweet smell accompanies the sight of a rose) are not feelings as felt: more clearly, the conditions of such facts are not feelings, even as determined by thought. A 'feeling determined by thought' would probably mean a feeling which but for thought I should not have, e.g. emotion at the spectacle of a tragedy. Objective facts are not of this sort, not feelings determined by thought, though but for the determination of feeling by thought they would not exist for our consciousness. 'Is not this to give up the doctrine that the reality of the world, as well as our knowledge, is rendered possible by thought?' No; it still remains true that 'reality and objectivity' have no meaning save as expressing a relation which without thought could not be. The world before there was sentient life, was not what it is to us as sentient; the world of conditions of feeling is not to intelligence (even our intelligence) what it is to us as feeling: but as a *world*, as *real*, as *objective*, such a world *was* or *is* only what it is to intelligence, to a thinking subject, and could not be apart from such a subject.

19.[1] What true meaning is there in saying that 'sensations are in flux'? Does not psychology teach that each sensation is 'registered,' remains in effect as a modification, however slight, of the 'psychoplasm,' which qualifies every succeeding sensation? The answer is, that sensation contributes nothing to the 'cosmos of our experience,' is not a possible subject of relations, except so far as attended to. As attended to, it is a passing event, related to and determined by, forming one series of change with, former and after events, and this in virtue of presence to and distinction from a thinking subject. The permanence of (*a*) the *effect* of the sensation is not a permanence of what the sensation Nas to me, as (*b*) an event in the way of feeling. What memory retains or recalls is (*b*), not (*a*). (*a*) may be permanent, and there may yet be no memory. Unless

[1] [This section is out of place here; it would come more appropriately as a note to the latter part of section 24, below.]

sensations were in flux in sense (*b*), we could not be conscious of them as changes, any more than we could be so unless there were something beside them not in flux. The qualification of a sequent sensation x by a previous one y is not a consciousness of them as events or of x as a change from y. Hence permanence in the psychical effect of sensation does not in the least facilitate the reduction of intelligence to sensation. If sensation, as it is for consciousness, or as a δύναμις of knowledge, were permanent, it could not be such a δύναμις. It must pass, yet be retained as having passed, in order to become a factor in any of the most elementary relations which are conditions of knowledge.

20. The objections which suggest themselves to the doctrine that relations are constituted by thought do not apply to the doctrine itself (which, once understood, is irrefutable), but to its supposed implications. (*a*) What, according to it, becomes of 'external matter,' which all the exact sciences suppose? The answer is, that it is unaffected by the doctrine, except that 'externality' has to be understood as of *matter to matter*, not of matter to thought, 'matter' and 'externality' alike meaning certain relations which thought constitutes. (*b*) Is there then nothing other than thought? (*c*) Is the universe the creation of my own mind? How can that be when I only began to think twenty-five years ago? We answer to (*b*); undoubtedly there is something other than thought. Feeling is so; the whole system of nature, on which feeling depends, is so; its otherness from thought makes it what it is, but this is the same as saying that relation to thought makes it what it is, that but for thought it would not be. Conversely, 'otherness' from nature makes thought what it is. The very idea of thought implies a ἕτερον, for thought = self-consciousness, or consciousness of the distinction between subject and object, and thought cannot be conscious of itself except in distinction from an object. The mistake lies in a confusion between the relation of object to subject, and that supposed externality of matter to mind, which is really a transfer of the true externality of space to space to the relation between subject and object.[1] Subject and object, thought and its

[1] It is important not to confuse the relation of subject and object with the relation of matter to the psychical organism. It is a common delusion that one sort of phænomena are 'subjective,' another 'objective.' In truth,

ἕτερον, are correlative or complementary factors in the whole of self-consciousness, or (which is the same) together constitute the reality of the world. Each is what it is only *in relation to* the other, but there is this difference, that whereas it is true to say that only *for* the subject or *for* thought is the object, or the ἕτερον, what it is, it is not true to say that only for the object or for the ἕτερον is the subject or thought what it is (just because the '*for*' implies relation to consciousness, and the ἕτερον is that in the whole formed by self-consciousness which is not conscious).

21. (*c*) The point of this objection lies in the sense of *exclusion* attached to 'my own,' and in the supposition that 'my mind' began to exist when I (my animal organism) was born, or perhaps not till somewhat later.[1] What is meant on the other side is that the world, with the whole process of development in time (including the development out of lower forms of that animal organism which is the δύναμις of thought), exists eternally for an eternal mind, or as a factor in an eternal self-consciousness; that this eternal mind uses the animal organism in man as its vehicle so as to constitute a being self-conscious, yet limited by conditions of the organism in respect of the ἕτερον (object-matter) which its self-consciousness can comprehend; that thus the human mind, *qua* mind, has not a beginning in time at all, does not exist in time at all. That which exists in time is the organism fitted to be a vehicle for self-conscious thought, and of this the beginning is not properly to be fixed at birth or at 'conception in the womb'; it has had a history of which we seek the beginning in vain. But this history itself,—the connected series of events, determined by the constant system of nature, which forms it,—as it exists only in relation to an eternal and self-conscious mind, so is knowable by us only because this mind constitutes the 'me' in each of us; only because it so uses the animal organism of man as to form a being formally self-conscious, and thus capable of knowledge, able to conceive a world of which each element is determined by relation to the whole, though but slowly advancing to the articulation of this conception.

'mental phænomena' are just as objective as any, phænomena of matter just as subjective as any. If mind and matter = two orders of phænomena, they do not = subject and object, for subject and object are correlative factors of everything as known.

[1] See *General Introduction to Hume*, § 129 to § 152, especially §§ 133, 134; vol. i. pp. 113–115.

22. But it may be said, 'Is not all this a mere guess, due to man's inability to view the world save through the coloured glasses of his own subjectivity?' On any other supposition the world which we know, the world which can be shown to be determined by relations which thought constitutes, must (*a*) be one which begins and ends with the birth and death of the individual man; and (*b*), if we still cannot help supposing that there is a real world, a world of 'things in themselves,' out of relation to what we know, its existence will just suffice to render what we know unreal, but in every other respect will be for us nothing at all. We vainly try to evade (*a*) by saying that, though the intelligence of each individual, through which there is a present world for him, begins with his birth and ends with his death, yet from this he rightly infers the existence of a past world. The thing inferred is not, any more than the conditions of understanding which determine the inference, outside the thinking consciousness. That very relation in the way of time which 'past' expresses, like all such relations, arises from the presence of the ego to feelings, and cannot otherwise be accounted for. If 'my own mind' began with birth and ended with death, the world of which alone I know anything—the inferred past no less than the present—must do so likewise.

23. As regards the supposition (*b*) of a world of 'things in themselves,' it may be said, 'Why may there not be such a world? How do I know that the categories of my knowledge are forms of the real world? Why may there not be a world undreamt of to which they do not apply?' A negative to such a suggestion cannot be proved. What has to be done is (*a*) to prevent misapprehension by pointing out that the categories (cause and effect, &c.) only purport to be laws or forms of an objective world as existing for a mind, not to be conditions of mind itself. An objective world, it is held, can only exist in virtue of these supreme determining relations, and they again only exist for a mind or thought, but to thought itself they do not apply. You cannot say properly that thought is a cause or effect, a substance or an attribute. If, then, you like to speak of thought as a 'spiritual world,' and say that the categories which regulate the knowledge of nature (in virtue of which every consequence has a uniform antecedent) do not apply

to the 'spiritual world,' well and good; but you must not then go on to mix up this spiritual world with the natural, and talk of 'the supernatural projecting itself into the natural.' The 'supernatural' with most people is a hybrid, neither natural nor spiritual. (*b*) It must be pointed out that the supposition of there being another world not determined, as that which we know is, by thought, is itself the work of self-consciousness, still distinguishing an object from itself, but trying to detach from the object all that determination which really belongs to it in virtue of its relation to the self.

24. If it be true, then, that without relations there is no reality, and that only for a thinking consciousness do relations exist, what becomes of the difference between 'real things' and our conceptions of them? 'Everybody' (it will be said) 'knows that my conception of a flower, however correct, is not the real flower.' Quite so; but why not? (*a*) 'The conception is my own making, but I defy you to make a flower.' (*b*) 'I can see, smell, and touch the flower, but not my conception of it.' (*c*) 'The flower is an individual thing; my conception of it is not, but only a representation of such through its attributes.'

Take (*b*) first. The sight, &c. of the flower means that certain sensations have been referred to an identical thing, a thing thought of as one throughout successive sensations, which thus becomes the subject of sensible properties; and that on the recurrence of any such sensation, it is interpreted as a sign of this thing, so that the mere sensation is immediately superseded by the judgment, 'I smell a flower.' Now all this is the work of the understanding, apart from which there might be this or that smell, sight, &c. but not the flower which I see, &c. because there would be no unity of successive sensations in an identical thing. The real flower, then, means certain relations of sensations, which are not themselves sensations, relations which only exist as conceived, in virtue of an intellectual synthesis. The difference of it from my conception of it is, that in the latter certain relations are detached (*a*) from sensations which in reality they determine, and (*b*) from a multitude of other relations with which they are really connected. The extent of the latter detachment depends on the more or less scientific character of the conception. Thus our thought of natural reality is always in the rear of reality itself for two reasons.

(1) Sensation is always in flux.[1] A feeling occurs, is determined by conceived relations, and as the result of that determination is, for consciousness, a real thing: the next moment it has gone, and it seems that for thought the relations alone remain. This implies that sensation is a necessary complement of natural reality. 'Then,' it may be said, 'there is no natural reality before actual sentience.' The relation to sensation yet to come is involved in the reality of nature as nature was before there were as yet sensations. In like manner the relation to sensations of yesterday is involved in the reality of today. That sensations are past makes no difference in reality, as this is for that consciousness for which alone there is reality at all. The conceived fact, the reality, that such a sensation occurs under such conditions, is unaffected by the circumstance that the sensation is not now occurring. (2) Being ourselves beings of slowly emerging intelligence, we can never comprehend the relations of the natural world in their fulness, and if at this moment we could know all that is, tomorrow it would have changed—changed according to intelligible laws, but still changed.

25.[2] The conception of the flower may be opposed (*a*) to actual events in the way of sensation (a certain sight or smell, &c. as at any time occurring), as determined by relations; (*b*) to possibilities of those events. From (*b*) a true and adequate conception does not differ at all. As to (*a*), the *mere* event of sense is not reality, nor for a subject that merely felt the sensation would there be such a thing as reality. For a subject perfectly intelligent the difference between (*a*) and (*b*) would not exist. Reality would be the fact that a sensation shall occur or has occurred, just as much as that it is now occurring, because such a subject would not be a *subject of the sensation.* But we not only have the consciousness for which there exist the relations which constitute natural reality (intelligent consciousness); we have also the sensitive consciousness which is a factor in those relations. We must experience the sensation before we know the fact that it occurs under certain conditions, and constant repetition of sensation is necessary in order to

[1] [Cf. section 19, above.]

[2] [This section seems to be a restatement in a fuller form of the latter half of the preceding section.]

the completion of our knowledge of the conditions under which it occurs. But supposing that knowledge once attained, the full reality would exist for us, as known fact, without repetition of sensation. It seems as if reality were perpetually vanishing, but on consideration we find that what has vanished was not the reality. 'The form remains, the function never dies.' Sensation vanishes, but not the fact that it has occurred under certain conditions and leaves certain effects, and this is its reality, but a reality only possible for a synthetic intelligence.

26. As to (*a*),[1] a conception is not 'my own making' in the same sense in which an artificial flower is. It is the result of past experience, and though, as just shown, but for the activity of thought in this experience it would not be an experience of things at all, still this activity is not one which it rests with this or that man to exercise or not, as it seems to rest with me whether I shall now walk out of this room or not. No doubt I can arbitrarily combine objects in conception which cannot be combined in reality (I can conceive centaurs, &c.) : such conceptions, however, are not in question. What *is* in question is the relation between the conception of a real thing and the real thing itself. The former is not my own making, but, being made, can be retained, as the sensation cannot. The reality of objects which we know, or are in process of coming to know, is sense determined by thought relations. As explained, sensation is that which we cannot retain, and of which we cannot by thinking command the recurrence, while the thought relations are in a sense our own. What the thinking subject has contributed to reality, it retains from reality: in this sense the *conception* of the flower is my own making, while the sensation which must supervene upon this conception in order to constitute a *real* flower is an event which I cannot command, and which, having occurred, becomes part of a past which I cannot reproduce. Adopting the distinction between conception and sensation, as one between what I can make and what I cannot, we must say that, though what I *can* make does not amount to the real flower, no more does what I *cannot* make. Only if continuance or reproduction of feeling were necessary to the reality of the represented object, would the opposition lie between the real object as

[1] [Above, section 24.]

that which I *cannot* make and the thought of it as that which I *can*.

27. The same considerations help us to deal with (*c*). What is meant by the individuality of the real thing? Does it mean (1) singleness, distinctness in time, of the sensitive act in which it is presented? Or (2) its identity, that in virtue of which it is itself and not another? Or (3) the complex or combined result of the relations which determine it or make it what it is? Or (4) that special result of such relations which consists in organic life? As to (1), we have admitted that the sensitive act is other than any such relation as thought constitutes, and that it is necessary to the reality of the natural thing. It is an event in time, and, as such, the absolute ἕτερον to self-contained thought. But then we must remember that, as soon as we speak of a moment of time, or of an event as occurring in such a moment, we have intellectually determined it by a relation only possible for a subject that holds successive moments and events together in one. Thus in the first sense of individuality (distinctness of a sensation in time), we may hold that it is necessary to reality, and that it implies the presence to thought of something other than thought, but which yet derives its determination from thought; and of this abstraction is made in conception. In sense (2), individuality is a pure datum of thought. A feeling indeed may have identity, but only as converted into a felt thing, as retained by thought from and after the act of sense, and then contrasted with other objects so retained. *Every* conceived object, as conceived, has identity; no supervention of sensation upon the conception is necessary to constitute the identity of such an object, or makes any difference to it; and only a conceived object can have it, because without conception there would not be the synthesis of differences (of one thing from all other things) which constitutes it. If this is true of individuality in sense (2), it is, if possible, more obviously true of it in sense (3), which indeed is merely the actualisation of (2). The individuality which = bare identity, the distinction of a thing always the same with itself from all other things, is particularised, or made a definite sort of identity, in virtue of the specific character of its distinction from other things which is at the same time its relation to them. As only through the presence of the

thinking subject to, and the action of it upon, a sensation does this become a separate thing, so only through the same presence and action does qualification by relation gather upon the thing. It is not in dispute that every sensation really has a definite individuality or character, more definite, because depending on more complex conditions, than any of us knows. What is maintained is that *merely* as a sensation, or apart from relation to a thinking subject, it would not be so. Thus, though a feeling as it occurs to the thinking man is individual, it is so not in virtue of what it merely is as a feeling, but in virtue of what it suggests. In other words, the individuality belongs to the *thing of thought*, to the conceived object, which does not become any more individual because a sensation occurs, which I refer to it. The conceived object which I call 'the pear-tree in my garden' is no less individual as thought of than when I see it. The act of seeing it no doubt is individual in time, which the thing of thought is not, but to individuality in senses (2) and (3) the occurrence of sensation makes no difference.

28. It is a mistake, then, to oppose the real thing to the conception of it as individual to what is not individual but 'abstract universal.' The conceived object, the thing individualised by relations which does not come and go with sensation, is the only thing. There is no real thing other than it.

It is not that there is a *con*ceived thing which is unreal, and a different *per*ceived thing which is real. *Qua thing* there is no difference between the *con*ceived and the *per*ceived thing; and in perception it is thought, or an act of conception, in virtue of which alone there is a thing perceived. But in perception there is, over and above the relations which determine the thing as conceived, a relation to the sensitive organism of the perceiving (which is also the conceiving) subject. The possibility of such a relation is the test of natural reality; i.e. the only real objects and relations in nature are such as are either more nearly or more remotely related to sense. A conceived past condition of the earth, such as the geologist describes, is *real* because it is the only possible explanation of some part of our present sensitive experience. But the possibility of such explanation presupposes the identity of nature,—that nature is one through all time, so that all phænomena are changed appearances of what remains the same. Thus in granting that perception is

the sole verification of conception, we must (*a*) restrict this to conception about nature; (*b*) note that perception itself is not mere sensation or feeling but relation of something to sense only possible for a conceiving mind; (*c*) that a conceived relation verified by perception is seldom itself a relation to sense given in perception; and (*d*) that the possibility of verification depends on the pure conception of the unity of nature, on the conception of what can never be perceived.

It is not that first there is conception, that then sensation supervenes, and reality results. Natural reality involves relation to sense, and the occurrence of sensation *ex parte nostra* is the test whether our conception of reality, which as a conception of reality implies the belief that a certain sensation will occur under conditions, corresponds to reality or no. It is not that any particular reality first comes into being on the occurrence of my sensation.[1]

The real thing, then, is individual because universal: i.e. its individuality lies in its relation to all other things, which is a one in all, the common element in all, a *universal*; it lies in this relation, this mere difference from all other things, as *particularised*. Thus we may not say either that the real thing is individual, not universal (for its individuality is a universal particularised), or that its individuality distinguishes it from such a work of thought as conception (for its individuality is the work of thought). If, however, we hold that the thing as real differs from the thing as merely conceived in virtue of actual or possible relation to sense (which may be true of natural[2] reality), then, since such relation implies occurrence in time, we may truly say that individuality in time is an incident of realisation; that, every 'thing' being a conceived thing, the possibility of presentation in a distinct time is necessary to its being also a real thing.

29. Neither the thing as we at any time conceive it, nor

[1] Can relation to sense, as a fact or reality, exist for a consciousness not sensitive? If not, how do facts of nature exist for God?

[2] 'Natural' reality only; to the *moral* object *this* distinction between the real and the merely conceived does not apply. That which must supervene upon the mere conception of it in order to its becoming real, is determination of the will. In other words, a moral conception is one to which we give reality in (inward) act, not one which we *find real* through occurrence of sensations. The conception of an absolute good, of a 'categorical' law, of freedom (moral autonomy), is equally real, so long as it determines the will, though no object can be found corresponding to it, as from the nature of the case there cannot be, for what is found given in sensitive experience can only be an event conditioned by another event.

the thing as we feel it, is the thing in the *fulness* of its reality. I have a conception of a flower, and upon the occurrence of a sensation, which I interpret by means of this conception, I judge 'there is a real flower'; but the flower is *really* much more than the relations which I had previously conceived *plus* the present relation to sense. But this 'more' still lies in relations which can only exist for a conceiving mind, and which my mind is in process of appropriating. The great mistake lies in regarding a conception as a fixed quantity, a 'bundle of attributes.' In truth a conception, as the thought of an object *under relations*, is from its very nature in constant expansion. Hence the impossibility of really defining a conceived object, unless the relations which determine it (like those of space) from their primariness admit of being isolated. The ordinary definition of an object is available only for rhetorical purposes, as expressing what for the time certain disputants, or those to whom a man is speaking, agree to understand by a name.

30.[1] Would a perfectly adequate conception of the conditions of a phænomenon (an event in the way of sensation) differ from the reality of such phænomenon? (1) The conception of conditions is equivalent to the conditions as conceived, since the conditions are only possible as constituted by a synthetic intelligence, and *our* conception, so far as adequate, is a repetition of the act of such intelligence. If an 'adequate conception, &c.' then, is to differ from the reality, it must be because something besides the conditions of an event in the way of sense is necessary to complete its reality, viz. actual sensation. Is this so? Is not the notion that an event in the way of sensation is something over and above its conditions, a mistake of ours arising from the fact that we feel before we know what the reality of the feeling is, and hence continue to fancy that the feeling really is something apart from its conditions? For the *knowing* consciousness, even in us—that consciousness for which alone there is reality at all—the fact that a certain sensation is experienced under certain conditions, once learnt, is independent of actual experience of the sensation. For it the conditions *are* the reality of the sensation. Repetition of sensation is only needed from

[1] [This section treats over again, in a somewhat different form, but with essentially the same results, the questions discussed in §§ 25 and 26.]

the infirmity of our minds, in order to fuller knowledge of the conditions. To say, then, that the fully conceived conditions of a phænomenon still fall short of its reality,—that sensation must supervene upon them in order to constitute reality,—is a mistake. For the only sort of consciousness for which there is reality the conceived conditions are the reality. 'The conditions, however, are, or include, relation to feeling.' True; but relations to feeling are not feelings, and the consciousness for which the full reality of such relations exists must be analogous to the consciousness in virtue of which we know, not to that in virtue of which we feel.

(2). As regard *our* conceptions, they are confessedly always inadequate. Does perception give us reality in a sense in which conception cannot? There is no *per*ception without *con*ception, but in order to *per*ception sensation must supervene upon *con*ception. Is such supervention necessary in order that the conceived (as conceived *by us*) may become, or represent, the real? Subtract from the perceived all that which is conceived, as distinct from feeling, and nothing remains to be real; but, conversely, subtract from the perceived that in virtue of which you distinguish it from the conceived, would what remains be real? The given conception, the thought of an object under certain relations, is affected in respect of reality by perception just so far as perception further determines it—leads us to know the object under relations not known before. The perceived object is the same as the conceived, but in perception it *may* become more real, just so far as on occasion of a feeling there is further thinking. Conception, however, as it remains over from perception in which one has learnt something, is not related to reality otherwise than the perception. I perceive something and then shut my eyes: perception over, conception remains, and the conceived fact is just as real as the perceived. It only ceases to be so, in so far as conceived determinations are gradually dropped from it.

I cannot make the thought of the real object any more than the real object. I can in some sort retain the thought of the real object,—i.e. my inadequate conceptions of the conditions which constitute it,—but the only reason for saying that in so doing I do not retain the real object in any sense in which I ever perceived it, is that the sensation in

which it was supposed to be given vanishes. But though the sensation vanishes, the conceived fact of its occurrence, which is alone the reality, remains.

31. What has been so far said has arisen out of the proof that the opposition between intuition and thought, as between presentative and representative, is fallacious. Incidentally it has further shown the fallacy of supposing that it is the function of thought, having found things with attributes given independently of it, to abstract these. Thought, as the faculty of synthesis—holding sensations together as a sensible thing, and one thing with another as mutually qualified—*constitutes* the attributes. The process of abstraction, as ordinarily described (as beginning with complex attributes and leaving out attributes till the notion is reached which has the minimum of determination), if it really took place, would consist in moving backwards. It would be a donkey-race. The man who had gone least way in it would have the advantage, in respect of fulness and definiteness of thinking, of the man who had gone furthest. The false doctrine of abstraction, as we find it in Greek philosophy, and as it has descended to us through the Scholastic logic, has its root in the conversion of the true antithesis between mere feeling and the work of thought into the false one between the sensible thing (feeling as determined by its conditions) and the work of thought. It being true that the process to knowledge is a process from mere sensation to the relations which determine it, and which exist for thought (or are *νοητά*), Plato through the above confusion came to regard it as a process away from sensible things—away from those conditions of sensation (the 'ordo ad universum' in distinction from the 'ordo ad nos') at which it is the true object of knowledge to arrive. A process, however, (*a*) to what? and (*b*) by what method? All sensible things—the whole order of phænomena—being excluded, nothing remained to be the object or end of the process but that of which you cannot say anything in particular, pure being. The intellectual process ends where it began, with that of which you can only say 'it is.' If there is any difference, it is only that between '*there* it is' and the mere 'it is.' The method corresponded to that of the Socratic search for definitions. The object of this as employed by Socrates was to obtain precision in the use of general names

by considering cases in which they were applied and leaving out those features of each case to which the name was not relevant. For this (and incidentally for moral self-examination) it has its use, but not so when treated as a process by which thought, taking its departure from the half reality of the sensible thing, reaches true reality. Thought is thus reduced to the office of analysing the contents of general names. When, with the revival of interest in physical knowledge, the notion of reality as consisting in abstractions was given up, the notion of thought corresponding to the old notion of reality was retained. Hence the antithesis, which has governed modern English philosophy, between the work of thought and reality. If the function of thought is abstraction, the highest idea (as that on which the function of thought has been most exercised) will have least reality: in short, the more we think, the less we shall know.

32. If we say, in opposition to such a doctrine, that thought is a process from the more abstract to the more concrete,—that we know things first under a minimum of qualification and afterwards under more,—we seem to contradict the fact that knowledge begins with experience of real objects, which, as real, are qualified with infinite complexity. 'Can you deny (it will be said) that it so begins with experience; or that objects of experience are thus real in the most concrete sense?' We answer; it does so begin, and the objects are thus real, but only in themselves; for the subject learning to know they are so only potentially, not actually. For him the beginning of knowledge is merely, 'there is something,' in other words, his first idea is of 'mere being'; this 'something' gradually becomes further qualified, as, in virtue of that relation of the ego to passing feeling which renders it 'something,' it is held in relation to other experience. Thus 'concrete' objects are gradually constituted by a process which is conjointly one of synthesis and analysis. It is not that there is first analysis and then synthesis, or *vice versa*, but that in and with the putting together of experiences, the world before us, which is *for us* to begin with confusedly everything and definitely nothing, is resolved into distinctness; or, conversely, that as resolved into distinctness, it assumes definite features which can be combined. Every sensation attended to implies a detachment of it from the flux of successive feelings, and so far an analysis by which

it and they are alike to a certain extent determined, and also a synthesis of it with them.

33. All speculative thinking and knowing, even of the scientific kind, is a continuation of this conjoint analysis and synthesis by which, for the first time, knowable things are constituted for us. So far as there is a difference between two stages of thought and knowledge, it is between the later, that in which we know that we are knowing and think that we are thinking, and the earlier, that in which we do not. This difference is sometimes put in a misleading way as that between conscious and unconscious thought. (In another sense still, nature is sometimes said to be unconscious thought, which, to be true, must be taken to mean that natural things only exist for thought, or in relation to a self-conscious subject, but do not themselves think.) All thought must be conscious (which does not mean 'accompanied by any sensitive emotion'), but need not imply reflection on itself as thought. In ordinary knowledge there is no such reflection. Hence ordinary men are quite unaware of any activity of thought having contributed to constitute the things of which they have experience. When it comes to scientific inquiry they know they are thinking, but, from the preconceived idea that thought has contributed nothing to the constitution of the things thought about, they give a wrong account to themselves of what their scientific thought consists in, and regard it as mere methodic reception (suppose that the mind in scientific thought, as in ordinary experience, is merely receptive, but more methodically receptive). For us the preliminary or 'unreflective' stage of knowledge is indefinitely abridged by language.

II. THE LOGIC OF J. S. MILL.

A. *THE IMPORT OF PROPOSITIONS.*

[Mill, Book I. Chapter V.[1]]

34. Logic, according to Mill, is the science of 'proof,' of 'evidence,' of 'inference,' i.e. of the process by which we arrive at such true 'beliefs' as are not intuitive.

The account of the distinction between two kinds of truth (Introd. § 4) is, 'Truths are known to us in two ways; some are known directly, and of themselves; some through the medium of other truths. The former are the subject of Intuition, or Consciousness; the latter of Inference.' Logic only deals with the latter kind, though the question what truths are of the latter kind, what of the former, is not for the logician to decide (ib.). Truths of the latter kind, however, form 'far the greatest portion of knowledge,' so that 'nearly the whole of science is amenable to the authority of logic' (ib. § 5). Directly afterwards we are told that 'the field of logic is coextensive with the field of knowledge.' It is different, however, from knowledge, since its business is not to arrive at inferred truths, but to determine whether they have been arrived at. (It is not the process, but the theory of the process.)

A truth, whether of intuition or inference, is a proposition (I. i. § 2), and a proposition expresses belief in a matter of fact consisting in a relation between two phænomena (I. v. § 1). 'Matter of fact,' 'object of belief,' 'import of a proposition'—even 'proposition' alone—are interchangeable with Mill. 'Logic is not the science of belief, but of proof' (p. 8). 'Nothing,' however, 'but a proposition can be an object of belief, or therefore of proof' (I. iii. § 1). Everything proved, then, must be a belief, but every belief is not proved or provable.

[1] [The references are to the 4th edition (1856).]

The 'relation between two phænomena' is also spoken of as a relation between two 'nameable things' (I. i. § 2). Accordingly, since before propositions can be proven there must *be* propositions, and before propositions names and nameable things, the inquiry into the nature of proof must be preceded by an inquiry into (which with Mill means a classification of) (*a*) the meanings of names, (*b*) the relations between nameable things expressed in propositions.

The order which Mill adopts—beginning with names, going on to nameable things, and finally to the import of propositions—is essentially misleading. As he himself admits, the minimum of 'belief' or 'possible truth' is a proposition. Nothing less than what can be stated in a proposition is a matter of fact at all. Except, then, as a constituent in a matter of fact, a 'nameable thing' has no intelligible character. It is for knowledge nothing. Nor can 'names' be classified without reference to that which they signify—without reference to 'things,' which are what they are in virtue of relations which only propositions can state, in other words, which are elements in 'matters of fact' apart from which they are nothing at all.

35. Thus the right order would have been to begin with the import of propositions, analysis of which should have supplied a doctrine of categories—a doctrine which Mill attempts to supply in the chapter on 'things denoted by names'—and then, having thus answered the question as to nameable things in the only way in which it can be answered, to classify names according to the function which they fulfil in different sorts of proposition. In fact, in Chapters II, III, and V, Mill is dealing with one and the same question, but answering it in different and more or less inconsistent ways. This is the question, What are those primary relations without which there would be no world of connected matters of fact to be known at all, and of which all other relations are determinations,—which form the universal element that is particularised in all knowledge? Such relations *are* conceptions. It is a mistake to speak of them as relations other than conceptions, *of* which we form conceptions. They are constituted by the act of conceiving, by the presence of the ego to the 'manifold of sense.' They are not the gradual result of experience, for they are the presuppositions of experience. They are implied in the whole process by

which the human race has come to knowledge, and by which the individual now comes to knowledge, but, according to the difference already noticed [1] between *knowing* and *knowing that we know*, we do not know *them* during the process which they alone render possible. The true account of them can only be got by an analysis of knowledge,—by 'tracing its genesis,' if you like, if by this you mean a process from simpler to more complex conceptions, *not* if you mean a process in time by which the human race has gradually attained them (such a process as it is the fashion to call a 'natural history of knowledge'). What people are really tracing when they imagine themselves to be tracing a process by which formal conceptions have originated, is the process by which they have been gradually disentangled and have found abstract expression. Of the latter process a history is possible, but it presupposes both (*a*) a knowledge of what these conceptions are, that can only have been attained by an analysis of knowledge, well or ill performed; and (*b*) the immanence of these ideas in the human mind during the process by which they have found abstract expression. To seek to get at their real significance by etymology, by ascertaining the exact nature of the sensuous clothing in which they were first invested, is childish.

36. What has Mill to say about them in the chapter on the import of propositions? A proposition expresses 'belief having reference to things,' not (as he holds that earlier writers, adopting Locke's definition of knowledge, have supposed) 'to our ideas of things.' It is quite true that the belief expressed by a proposition does not relate to a 'mere idea,' in the sense of something which in the act of belief I regard as merely belonging to my own mind, as distinguished from 'things.' But Locke, in his definition of knowledge, did not mean 'idea' to carry this sense. 'Idea' with him = 'the immediate object of the mind in thinking,' and those 'ideas' which in his language are ectypes, not archetypes, viz. simple ideas and complex ideas of substances,[2] correspond very much to Mill's 'phænomena' as = states of consciousness referred to outward things causing them, which in their 'real essence' are unknown to us. But Locke, in regard to 'ideas of substances' (e.g. gold), finds himself in presence of a difficulty which Mill, by an easy

[1] [Above, sec. 33.] [2] See *General Introduction to Hume*, § 116; vol. i. p. 95.

way of talking of 'phænomena,' evades but does not meet. They purport to relate to 'external things,' things outside our minds, and of such things we know nothing but the ideas they produce in us (the phænomena they exhibit) at the time of their production. There is an outward something, of which in itself we know nothing, which produces in us the sensible effects—yellowness, hardness, &c.—which make up our complex idea of the substance gold; but this only entitles us to such judgments as 'something is now producing in me this sensation of yellowness,' or 'something which produces the sense of yellowness also at the same time produces that of hardness, &c.' When I come to such a judgment as 'gold is yellow'—a statement not purporting to describe a present sensation—I have gone beyond anything that I am entitled to assert about a real outward thing. I must either reduce it to the statement, 'certain sensations grouped under the designation 'gold' have been constantly accompanied by that of yellowness,' or must take it to express the analysis of a 'nominal essence,'—'the conception gold includes the attribute of yellowness.'

37. If we could suppose Locke reading this chapter of Mill, he would say, If by a phænomenon you mean an idea (modification of consciousness) caused by an outward thing, or which gives any knowledge of an outward thing, I cannot admit that 'gold is yellow' (which = 'all gold is yellow') represents a 'relation between phænomena,' or a fact relating to the outward thing, gold, and to the impression made by that outward thing upon human organs. To make it represent such a relation, you must reduce it to 'this gold is now yellow' (in the sense that something which now causes a sensation of hardness, and involuntarily recalls ideas of certain other sensations, also produces a sense of yellowness), or 'certain sensations of hardness have been constantly accompanied by that of yellowness.' And, further, if by 'thing' you mean more than 'nominal essence,' more than a mere abstraction of the mind, you must admit that no propositions about things admit of the generality involved in the proposition 'gold is yellow.'

Now there is no doubt that Mill is right in saying that such a proposition does express belief about 'things.' The question is whether his doctrine is compatible with that antithesis between things and thought which he retains,—

with the doctrine that a thing, to be a *real* thing, must be something with the constitution of which thought has nothing to do. It is in order to carry out this doctrine that Locke reduces the real thing to a 'parcel of matter' of which we only know, when we experience a sensation, that it must be then and there acting upon us in order to produce the sensation. (For the same notion of real thing in Mill see I. vi. § 2.) In reducing 'real thing' to such a 'parcel,' Locke had not in truth got rid, as he supposed, of 'creations of thought,' but he had made the real thing something of which general predication was impossible, for such predication does not express that present sensation which forms the only knowledge of the real thing we can have. He admits, it is true, a 'probability' that a 'parcel of matter' which has often caused a sensation of yellowness in immediate sequence upon one, e.g., of hardness, will continue to do so; but in our absolute ignorance of the 'parcel' (an ignorance which we cannot suppose removed without infringing the antithesis between reality and the work of thought) this 'probability' must reduce itself, as it did under Hume's treatment, to an involuntary expectation, a purely subjective tendency, the statement of which in a general proposition would not relate to any 'real outward thing.'

38. Now Mill contents himself with saying that the judgment 'gold is yellow' is not a mere analysis of nominal essence, but expresses belief in regard to an outward thing, without showing how, according to Locke's notion of reality, such belief can be justified. It may be said, indeed, that his language about 'things' is an accommodation to popular usage, and that his doctrine about the proposition is more correctly expressed by the statement that it represents a relation between two phænomena. In fact, 'phænomenon' in Mill's language always carries with it a reference to a 'thing' which 'exhibits it'; but, waiving this, we are only driven by the alternative phrase upon a further difficulty. If 'gold is yellow' expresses a uniform coexistence in nature between certain phænomena, how is knowledge of such uniformity possible? The frequent concurrence, or close sequence upon each other, of certain appearances is one thing; their coexistence in an order of nature is quite another. Strictly speaking, 'appearances' cannot be said to *coexist* at all, but only qualities which appearances are

taken to represent. ('Phænomena,' like Locke's 'ideas,' allows of convenient ambiguity between appearance and quality.) How, then, does frequent sequence of one appearance on another become either real coexistence of qualities in a thing or a real uniform sequence of phænomena in an order of nature? Locke says straight away that it does not. A proposition which states a simple fact of sequence alone represents 'real essence': propositions which state coexistence of qualities or universal sequence can only relate to a nominal essence, to the content of a mere conception in my mind. In pronouncing otherwise, in saying that a certain experience justifies us in ascribing combustibility as a permanent attribute to the 'thing' called diamond (I. v. § 2), Mill is ascribing reality to (or, better, constructing reality upon) a 'conception of our mind,' the category or formal relation of thing and quality. He is doing what Locke a hundred and fifty years before had seen to be incompatible with the antithesis between reality and the work of thought, which yet Mill retains. He is recognising a real world, formed by the intellectual interpretation of feelings as representing a system of things. He is finding reality, not in the mere 'present sensation,' but in relations by which each sensation as it presents itself is determined, though they are themselves present only as *thought about*, and in the ideal thing, 'gold,' 'diamond,' &c. which these relations combine to constitute.

39. Our conclusion, then, is that Mill's account of the import of propositions is quite right so far as it means that the judgment 'gold is yellow' is other than an analysis of nominal essence, other than a statement of a more simple idea 'yellow' contained in a more complex idea 'gold'; that it expresses a belief, and a true belief, about a real outward thing; but that he is wrong in not seeing that this thing is a thing which only exists for thought, and is 'outward' only in the sense of being in space—itself a relation constituted by thought—not in the sense of being 'outside the mind,' which in fact is nonsense. That to which anything is outside must be in space—must itself be outside that which is outside it. We allow ourselves to talk of things as outside the mind, but we should think it queer to talk of mind as outside things.

Thus the first 'category' implied in Chapter V. is that of thing and quality. The same is implied in Chapters II. and III. The classification of names into (*a*) singular and general, (*b*) connotative and non-connotative, (*c*) concrete and abstract, clearly presupposes a proposition representing a conceived relation of thing and quality.

B. *OF NAMES.*

[Mill, Book I. Chapter II.]

40. The distinction between 'singular' and 'general' names, as Mill gives it (I. ii. § 3), presupposes the propositions (1) 'this is a man,' (2) 'this is John.' Except in relation to a proposition the distinction is unmeaning. 'John' by itself means nothing. 'Man' by itself means something only because it is the symbol for a multitude of judgments in which qualities might be asserted of 'man' as subject. 'John' is significant in such judgments as 'this is John' or 'John has red hair.' The distinction of these judgments from such as 'man is a mammal' or 'this is man' lies in the more complex determination by attributes of the object 'John' than of the object 'man,' from which it results that only one individual object (in the fourth sense of 'individuality' given above)[1] can be brought under the former conception of attributes, while many can be brought under the latter. Thus no account can be given of the distinction between 'singular' and 'general' names, which does not presuppose (*a*) propositions, (*b*) the relation of thing and quality as involved in the proposition. The true distinction is that between singular and general *propositions*:—

(1)	(*a*) John has red hair. (*b*) This is John. (*c*) This is a stone.	The common feature of all these is that the subject of the proposition is an individual, and an actual or possible object of intuition.
(2)	(*a*) Man is a mammal. (*b*) Heat is a mode of motion.	Here the subject of the proposition is not an actual or possible object of intuition.

What is common to (1) and (2) is the thought of a thing (object) under qualities. 'John' in (*a*) and (*b*) represents such an object as much as 'man.' The difference lies in the complexity of the determination by attributes.

41. The objection to Mill's account of the distinction

[1] [Sec. 27.]

between 'general' and 'singular' names is (*a*) that it detaches names from propositions, and (*b*) does not look into the reason why the 'singular names' of which he talks are applicable only to one individual, any more than he inquires what is meant by an individual. Thus 'this stone,' 'the sun,' and 'John' are all alike singular names. But the individuality expressed by 'this stone' (or 'the present king of England') = separateness in time. It does not express the individuality constituted by the peculiar attributes of the stone, of which, when I talk of 'this stone,' I may be wholly ignorant. On the other hand, the individuality represented by 'the sun' and 'John' (if this means a particular person) is individuality constituted by attributes. The object thus determined by attributes may be presented in intuition, but it is not such presentation that the singular name in this sense indicates. One sort of individuality, however, can as little as another be expressed without a proposition. Mill admits (I. ii. § 5) that a singular name which is not connotative is unmeaning. Still 'it shows what thing it is we are talking about,' though it does not 'tell us anything about it.' But if it has no meaning, how can it show what we are talking about? If 'John' to the person I am talking with did not recall an object determined by certain qualities, there would be no good in talking to him about John. As used in every proposition in which I employ it, it is connotative; the difference between it and 'gold' is that *by itself* it does not, like 'gold,' involve a multitude of propositions. You cannot write it out into a multitude of propositions. But this means that by itself it is a mere sound—represents no mental act at all.

42. Apart from propositions, then, the distinction between 'general' and 'singular' names is a distinction between names that have a meaning and those that have none. And the meaning of those that have meaning is always resoluble into propositions. Only in propositions has a singular name a significance, and these propositions already imply the conception (*a*) of an object under attributes,—though, if the subject or predicate is singular, the object is one of actual or possible intuition,—and (*b*) of a many in one. In the judgment 'this is John,' on occasion of a present sensation, there is a recognition of an object known under certain attributes, which is *one* in contrast with the many intuitions,

this, *that*, and *that*, in which it is presented. There must have been a multitude of other intuitions in which the *one John* has been presented, as well as of intuitions in which he has not been presented, to give meaning to the *this*. Thus, though a singular proposition always implies the presentation to consciousness of a single object of intuition (and in this lies the distinction of singular from general propositions), yet this single object is a conceived unity of an indefinite number of acts of feeling, and its name is predicable of an indefinite number of intuitions,—of presentations in space and time. My intuition (or perception) of John, like that of the sun or moon, is different every time I see him. But the single object I know as John is not. There is a liability to fallacy, then, in speaking of the single object as an object of intuition, unless we understand that something other than intuition is needed to constitute consciousness of the single object, viz. conception of identity. The object of intuition always = a *conceived* object presented under conditions of intuition. 'John,' then, so far as it has meaning (so far as it indicates a single person conceived under attributes), does not differ from 'the sun' (which Mill distinguishes from it as connotative from non-connotative). 'John' is not predicable of more than one object, but no more is 'the sun.' If 'the sun' is an object conceived under attributes, so is 'John,' so far as it has meaning. If there are many intuitions which are referred to—taken to repeesent—the one object 'sun,' so there are many intuitions which are referred to the one object 'John.'[1] Just as we found that the object of intuition (consciousness of an individual object capable of distinct presentation in space or time) implied conception, so we find that the singular proposition implies conception, the thought of an object under relations which connect it with (are common to it with) all other things, though they distinguish it from them. Mere intuition would not suffice to give a singular proposition.

43. Thus, if every proposition, general in form, that is to be *really* true, should turn out to be a multitude of singular propositions written short (as Locke would have said, and as Mill says, II. iii. § 3, though he contradicts himself in III. ii. § 2), we still should not have got rid of conceptions at once *really* true and general. The question whether

[1] See *General Introduction to Hume*, § 80; vol. i. p. 64.

general propositions to be *really* true must be so reducible, corresponds to the question whether a conception to be really true must admit of being intuitionalised. In regard to conceptions, we found[1] the true account to be that, supposing them to purport to be of nature, they must relate to objects of intuition,—the relations determining the thought object must admit of being presented as relations between perceived or constructed objects. Such a perceived or constructed object can be the subject of a singular proposition. So a general proposition about nature must be capable of being verified by an observation or experiment, of which the statement would be a singular proposition. But it does not follow because the proposition 'gold is soluble in *aqua regia*' must be capable of verification by an experiment in which 'this gold' would be perceived to be so soluble, that the general proposition is merely short for a number of such perceptions. It represents a conceived relation between the properties of gold and those of *aqua regia* according to an order of nature,—a relation not contingent upon my perceiving it, and of which the existence is not any the more certain because I perceive it often.

44. Mill's 'connotative' terms, like his 'general,' presuppose the category of thing and quality and propositions resting on this formal conception, as he virtually admits. The difficulty is as to names which he says 'signify a subject only or an attribute only.' The former are 'proper names,' and in the discussion on singular names have been shown either to mean nothing at all or to be connotative,—to imply the conception of a subject under attributes. To the person who uses them they are on every occasion on which (in every proposition in which) he uses them specially connotative, though taken by themselves they do not carry with them any indication of what this special connotation is. As for those which 'signify an attribute only,' they only seem to do so through detachment from a proposition. Such names arise from the act of the mind in regarding what it has first regarded as an attribute determining a subject, as in turn itself a subject determined by attributes. Thus a subject having been thought under an attribute in the judgment 'this water is green,' the attribute under the designation 'greenness' becomes in turn a subject,—'green is the com-

[1] [Above, sec. 28.]

plementary colour to red.' If the relation of substance and attribute were something found ready-made in things, with the constitution of which thought had nothing to do, this substantiation of attributes would be unintelligible. In truth, not only is it true that apart from thought there are no things, but what we begin by reckoning individual substances—separate things, *χωριστά*, *καθ' αὐτά*, &c.—are for the most part temporary substantiations. The category of thing and quality has no final truth in regard to nature. Everything is a qualification of other things, a 'retainer to other parts of nature.' In the organic body, it is true, the effects of 'other parts of nature' combine to produce a result which cannot be resolved back into those effects and reacts upon external influences; and in this sense such a body may be held to be, not merely for us but in itself, an individual substance. The so-called 'thinking substance,' the human personality, is not properly a substance at all, being one with the eternal thought which is the source of all substantiation.

Mill's 'abstract names'=the latter sort of nonconnotative names, those which signify 'an attribute only.'

45. 'Positive and negative names.' 'Negative names connote the absence of an attribute,'—but there must be the conception of the attribute or there is no meaning in the 'connotation of its absence.' Negation, except as supposing 'position,' is unmeaning, and every position implies negation. The assertion that anything is white is a distinction of it from things that are not white, is a denial of whiteness in regard to them. Here again embarrassment arises through the detachment of names from propositions. 'Positive and negative' is properly a distinction of propositions. It is only because the name 'man' is sundry propositions *δυνάμει*, that it can be called 'positive,' or that any significant negation is formed by putting a 'not' to it. Instead of dividing names into 'positive and negative,' if we want, as a logician should, to reach the primary elements of thought, we should say that every judgment, and proposition as the expression of judgment, implies correlative position and negation,—the qualification of an object by distinction from other objects, which amounts to the denial in regard to it of what belongs to them, and in regard to them of what belongs to it. 'Omnis determinatio est negatio;' 'omnis negatio est determinatio.'

C. *CATEGORIES.*

[Mill, Book I. Chapter III.]

46. Thus from Mill's account of names we elicit the formal conceptions of one in many and many in one, of thing and quality, of qualification as a position which implies negation. These, so far, will be our 'categories,'—relations of which all knowledge is the further articulation,—the import of all possible propositions. Actual propositions mean much more than this, but they mean at least this, and only through conveying this can they convey more.

Mill himself regards 'categories' in the scholastic way, as 'summa genera' of things. Roughly one may say that there is a wrong view of the categories and a right one. The right one regards them as the relations or formal conceptions (which comes to the same, since conception constitutes relation), without which there would be no knowledge and no objective world to be known. They are not the end but the beginning of knowledge, not ultimate truths, but truths which we already know in knowing anything, though the correct disentanglement of them is in one sense the great problem of philosophy,—in the sense that on the correct solution of it the correctness of metaphysical philosophy in general depends. The wrong view goes along with the false notion that the essential of thought is abstraction, and that thus the end of thinking is to reach certain *γένη τῶν ὄντων*, having no common elements with each other. The knowledge of these, since more thinking means more knowing, must be the highest knowledge; they are *γνωριμώτατα ἁπλῶς*. According to one view they are things; according to the other relations. According to one they are the end of knowledge; according to the other, the beginning. According to one they are really apart from the objects of ordinary knowledge and experience, and are known by abstraction from these; according to the other, all objects of ordinary knowledge and experience are determinations of

them, so that we know them in knowing the former, though we do not know that we know them. In Aristotle both views appear. On the one hand, they are *σχήματα τῆς κατηγορίας*. The classification of them is the classification of the 'import of propositions.' They represent different meanings of *ἔστι* in the judgment, different modes of the relation which every proposition represents. The actual list of them confirms this interpretation. Whatever fault may be found with it, it is not a classification of things, but of relations between things. This antithesis is not to be understood as meaning that there really are things apart from relations. What is meant is, that admitting the vulgar view of things, as something in themselves apart from relation, Aristotle's classification is not to be taken as a classification of such things. On the other hand, he speaks of them as *γένη τῶν ὄντων*, of which 'first philosophy' is the knowledge.

47. Mill professes to give a classification of existences. Such a classification cannot serve the purpose which a theory of the categories should serve,—that of disentangling the presuppositions of knowledge and experience,—for it necessarily involves them. It is in fact a theory of the universe, and, whether a right or wrong theory, does not supply but presupposes the answer to the question, how such a theory is possible. Thought brings with it, to the classification, itself and the relations which it constitutes in the act of knowing. Thus, in order that I may know 'states of consciousness' as 'existences,' I must already have converted 'feeling' into 'felt things'; i.e. by an act which constitutes the category or relation of identity (one in many), I must have converted the feeling into an object which remains after the moment of feeling is over, and is one and the same in the manifold recurring instances of its being felt.

48. Further, according to Mill (I. iii. § 3), a 'state of consciousness' has to be distinguished, if a thought, from the object thought about, if a sensation, alike from the 'object which causes it' and from the 'attribute which we ascribe to the object in consequence of its exciting the sensation.' Such a distinction implies a further exercise of the same intellectual act (the same 'function of judgment,' in Kant's language) by which a feeling became a knowable object. It implies not merely that a feeling is objectified,

but that the objectified feeling is distinguished from a thing which causes it and which it represents,—a thing determined by properties which are its content, as distinct from the mode or form of its presentation to consciousness. Thus 'the sun is not my idea of the sun,' and any sensation I receive from it is other than the property of exciting that sensation as it exists in the sun. In order that such distinction may be possible, formative conceptions not only of thing and quality but of cause and effect must be presupposed,—conceptions which cannot properly be regarded as the result of experience, because without their operation the succession of feelings could not become that experience of things, of a connected objective world, from which alone—as opposed to the mere succession of feelings—the doctrine which ascribes them to experience seeks to derive them.

49. Having thus already implicitly assumed the categories of cause and substance in his account of the first sort of nameable things, viz. states of consciousness, Mill proceeds explicitly to introduce them as two separate sorts of 'nameable things,' under the designation of (*a*) the 'hidden external cause to which we refer our sensations' (I. iii. § 8), and (*b*) 'something distinct from sensations, thoughts, &c. . . . the being that has the thoughts' (ib.). Not having got hold of the true view of categories as conceived relations,—relations constituted in and by the act of conception or knowing,—he does not see (*a*) that the 'unknown external cause' and the 'unknown inner substance' are each merely one member of the relation which thought constitutes in the very act of knowing a 'state of consciousness,' and (*b*) one and the same member. We have shown how the relation of one in many and many in one is involved in this act, and how, so soon as the known state of consciousness is known as representing a thing in which qualities corresponding to or causing the state of consciousness exist, the relations of substance and attribute, cause and effect, are involved too. What Mill does is to detach one member of each of these kindred and mutually connected relations,—the one from the many, the substance from the attributes, cause from the effects,—and treat it as a separate thing, which is really to make it *nothing*. Thus he gets a 'thing in itself' as the unknown single cause of manifold effects in the way of sensations, existing in abstraction from

these effects, and an unknown self or mind to which these same sensations (and thoughts, which according to him are their products) belong, as existing in abstraction from them. He does not see that either in such abstraction mind and thing are nothing, or that rightly understood the two 'noumena' are one and the same member of the formal relations mentioned. Mill dexterously avoids using the same language in regard to the 'thinking thing' and 'body,' but, when we look closely, we find that in effect what is said of one is said also of the other. 'Body' is spoken of as cause, 'mind' rather as substance. Body *causes* sensations, ideas *belong to* the mind. But then we find that, though sensations are not, *as sensations*, attributes of body, yet that body, if it is to be anything at all (what Mill calls an 'objective fact': see end of Chapter III.), must be regarded as having attributes which cause the sensations, and thus as a substance. Again, the moment we regard mind as a substance related to ideas as attributes,—the moment we get over the supposition that as a substance it has any reality apart from its attributes,—we regard it as manifesting itself in these ideas, i.e. as a cause. 'But at any rate (it may be said) 'body' is external, the 'thinking thing' is not.' We cannot, however, make body external to mind, without making mind external to body.

In short, 'body in itself' and 'thinking thing in itself' are alike unmeaning abstractions of one factor in a logical category from the other factor. As soon as we try to give meaning to either by restoring the other factor in the category, we find them equivalent. Each becomes the category of one and many, substance and attribute, cause and effect, outward and inward.[1]

50. Undoubtedly there is a difference between sensation and quality of body causing sensation, between the sensation of light and the undulations of æther, affecting certain nerves in a certain way, which cause it. This, however, is not a difference between the operations of an unknown body on one side and the attributes of an unknown mind on the other, but a difference between, and at the same time a correlation of, a known sensitive organism on the one side and known non-sensitive bodies on the other. This is an ascertained physical distinction which presupposes logical

[1] ['Outward and inward' is queried in the MS.]

categories to make it possible, but is quite other than they. With this we confuse the unreal opposition between body in itself and mind in itself, of which in truth each is the same with the other, each being one member of the logical categories above explained in imaginary abstraction from its correlate.

Thus, when Mill says (I. iii. § 8), 'But of the nature of body or mind, further than the feelings which the former excites and which the latter experiences, we do not, according to the best existing doctrine, know anything,' if 'body' and 'mind' mean body as the cause of sensations and mind as the sensitive organism, we do know a great deal about them. It has been ascertained with great clearness what specific sensations are related to what properties of bodies. We know the exact sort of vibration which excites each minutely different sense of sound. If by 'body' and 'mind' we mean two ultimate causes or substances in supposed abstraction from all effects and attributes, one outward the other inward, we know all about them too, for we know that they are merely different expressions for one and the same logical category, misunderstood. The only 'thing in itself' is the thinking subject, which is not cause or substance, but the source of the categories of cause and substance.

51. We find, then, that 'states of consciousness' are wrongly put as a class of existences alongside of substances, whether 'bodies' or 'minds,' as another sort of existence, and 'attributes' as a third, since 'substance' is but one member of a relation (of which 'attribute' is the complement) involved in the act by which a state of consciousness becomes an object of knowledge. Not only so: since the recognition of objects of knowledge as in any sense 'founded on states of consciousness' (that they = states of consciousness is untrue, as will appear) at any rate comes quite late in the process of knowledge, it is a mistake to include such states among the categories which, according to the true view, purport to be the conceived relations involved in all knowledge.

52. If it is asked, Why assume that this is the true view of categories? Why should not a 'classification of nameable things' after Mill's manner take its place? the answer is, (*a*) you cannot make such a classification without the

presupposition, whether acknowledged or not, of these conceived relations,—as we have found to be the case with Mill; and (*b*) any classification, save of formal conceptions, cannot be exhaustive, e.g. such a one as that into which 'states of consciousness' could legitimately enter. We can make it exhaustive, indeed, like any classification, by dichotomy, but this is unmeaning. 'States of consciousness' only properly enter into a classification which would also include (*a*) manifold forms of unconscious existence, (*b*) manifold modes of consciousness, and such a classification could not be exhaustive. Mill sometimes writes as if everything could be reduced to a state of consciousness. This is his form of Berkeleian and Humian idealism. He admits the contrary, however, virtually in I. iii. § 4. That everything is a state of consciousness is the false idealism; that apart from, or except in relation to, a thinking consciousness there is no reality or existence, is the true, which is quite compatible with the admission of any amount of forms of unconscious existence. Mill, so far as he can, maintains the former false idealism, but is constantly obliged to drop it. He never gets hold of the latter.

53. As if he had not already dealt with 'attributes' in dealing with 'substances' as causes or subjects of sensations, Mill (I. iii. § 9) goes on to a separate inquiry about them. 'The distinction which we make between the properties of things and the sensations we receive from them' he calls merely 'verbal.' Doubtless, if 'sensation' means the recognition of a feeling as received from a thing, it only differs 'verbally' from the recognition of a property of a thing, in the sense that in such recognition of a feeling I think of a relation between a conscious subject and a thing which amounts to a determination or attribute of the thing. The judgment (*a*) 'the thing is white,' and the judgment (*b*) 'I receive a sensation of whiteness from the thing' are equivalent in virtue of the common category of thing and quality involved in each. The mere sensation is one judgment as little as the other, and we have no reason to suppose that the animals, though undoubtedly they have the sensation, ever form either of these judgments. From the apparent absence of language among them we infer that they have no need of it because they do not convert mere feeling into a felt thing. But, though the two judgments involve the same

category, it is a mistake to treat them as equivalent; still more to try to reduce (*a*) to (*b*). (*b*) really means more than (*a*), and is psychologically later than it. It is in virtue indeed of an intellectual interpretation of feeling that we ascribe qualities to things; but this ascription takes place before we reach that clear conception of the distinction between the thing affecting and the subject affected which is implied in (*b*). And when this is reached, and though we may be quite aware that whiteness is no 'entity *per se* called a quality' (I. iii. § 9), but implies relation to a particular sensitive organism, we mean different things by (*a*) and (*b*). (*a*) implies belief as to a nature, a permanent order of things, —a belief, doubtless, accompanied in the instructed person by knowledge that his sensitive organism is a factor in this order; (*b*), by laying stress on the sensitive organism, naturally conveys the belief that the present experience is due to some peculiar condition of this. Mill, ignoring the difference between feeling proper and the intellectual act through which feeling becomes a known fact,—a sensation which I regard myself as receiving from a thing, and which thus becomes a determination alike of me and of the thing, —looks on all attributes in the way of quality simply as feelings. He treats attributes in the way of quantity in the same way. 'Nobody, I presume, will say that to see, or to lift, or to drink ten gallons of water does not include in itself a different set of sensations from those of seeing, lifting, or drinking one gallon; or that to see or handle a foot-rule, and to see or handle a yard measure made exactly like it, are the same sensations' (I. iii. § 12). Therefore quantities as well as qualities are included under the category 'states of consciousness.'

54. Attributes in the way of relation, however, require a class to themselves. Ordinary attributes, such as are predicated in the judgment, 'this snow is white,' he does not treat as resting on a relation at all, though according to his account of it it expresses consciousness of a relation between the sensitive organism and the exciting object, and according to any other possible account of it it implies a relation in the way of distinctness between one colour and others. He treats it, further, as if it represented a single sensation, not seeing that the relation of identity between a present and numberless past experiences is implied in the recognition

of 'this' as snow. Nor does the attribute of quantity strike him any more as implying relation. He seems indeed to allow that there must be a set of sensations to constitute a quantity, but he takes no notice of any relation between them. He does not consider, e.g., whether a coloured surface would form or be a magnitude but for the relation of co-existence between the several pictures which its parts present to me: whether 'ten gallons' has any meaning except as determined by relation to nine gallons, eight gallons, &c. The only attributes which he regards as attributes in the way of relation are those indicated by names which imply a correlate.

Take the judgments, (1) 'this weighs ten pounds,' (2) 'snow is white,' (3) 'snow falls after a frost, (4) 'snow is like wool.' Mill would say that whereas only one phænomenon is represented by (1) and (2), (or, if more than one by (1), yet the several phænomena are somehow formed into one·'set'), (3) and (4) express two phænomena connected in a particular way. In fact, however, a relation between a multiplicity of objects is equally implied in (1) and (2); only in them the other objects by relation to which the given object is determined are not specified. In other words, the relations expressed in (3) and (4) are more determinate and specific than those expressed by (1) and (2).

55. Mill distinguishes two kinds of relations, (*a*) those 'grounded on a series of states of consciousness,' in the production of which the related objects jointly take part, (*b*) those which are not grounded on states of consciousness, but are themselves states of consciousness, such as order in place, order in time, and resemblance. His account of (*a*) only differs from his account of attributes in the way of quality in this, that when a state of consciousness or series of such is produced by one object, an attribute grounded on it is a quality, when by more than one, a relation. This conversion of sensation into an attribute 'grounded on it' presupposes, as we have seen, conceived relations. The true account of the difference between the two cases is that in one the presupposed relation or conception is that of thing and quality simply, in the other the quality is unfolded into a relation between the subject-thing and other things, between the things which, as Mill puts it, jointly produce the state of consciousness. In no case can the object to which an appearance is referred as a qualification of it or as an instance

of it, be ultimately thought of save as conditioned by other objects, as deriving its essence from relation to them. But in some cases not merely the essence of an object, but its existence, implies relation to another; and in such cases (perhaps in others) the correlation of the objects has been marked in language, 'father and son,' &c. Such conditions, implicitly conveyed in such a predicate as 'white,' are explicit in a predicate which contains a preposition, e.g. 'this is a man on horseback,' 'snow falls after frost.'

56. (*b*) Relations of resemblance and succession, according to Mill, are states of consciousness made up of other states, certain states of consciousness put together. The effort of all idealism of that sort which takes idea as = feeling must be to reduce 'objects' to feelings and compounds of feeling. Once admit relations other than such compounds, and you have either to recognise an order presented to us from without other than that constituted by feelings or ideas, or to admit that something results from the action of thought on feelings other than the feelings, which means that thought originates (gets something from feelings not given in them). Hence Mill instinctively tries to reduce 'objects and attributes' to states of consciousness, and 'relations' to compounds of such. Resemblance according to him = feeling of resemblance, and that not a third feeling over and above the two resembling feelings, but these two together. Three objections may be made to this; (1) How do successive feelings put themselves together? (2) The relation of resemblance between two feelings of colour must on this view itself be a colour. (3) As the feeling of colour which I had yesterday is past, never to return, and likewise the feeling of today, how is it that the likeness between them, which is merely the two together, remains to be talked and thought of? The same holds, *mutatis mutandis*, of time. In regard to all relations, then, we must hold that they are not states of consciousness. That they are grounded on such we may admit, in the sense that if we did not feel there would for us be no world of related objects, though we might feel without there being for us any such world.

57. It is from treating names apart from propositions that Mill fails to see that all names, as significant, or as used in predication, are of relations. When he comes to treat of propositions he virtually admits this. In I. v. § 6

e.g. he says that the proposition, 'the colour I saw yesterday was a white colour,' involves an assertion of resemblance. Clearly, on the same principle, 'this is white,' 'snow is white,' involve the assertion of resemblance. The relation of identity involved in all judgments Mill ignores. 'This is the same colour I saw yesterday' means, according to him, 'very like it,' for 'the feeling which I had yesterday is gone never to return' (I. ii. § 11). It is quite a different sense, according to him, in which we are said to be 'sitting at the same table.' But if you reduce the table to 'states of consciousness' in the sense of feelings, you have a like difficulty about the identity of the table. The table cannot be reduced to a single state of consciousness, but only to several, each of which is gone 'never to return' before another begins. In truth, the table is not any series of states of consciousness, but an object constituted by an intellectual synthesis of these. So 'colour' in the above judgment is an object constituted by an intellectual synthesis of feelings, to which in the above judgment I refer a present experience as an instance of it. The distinctness in time between the present and previous feelings no more interferes with their understood identity than does that between the states of consciousness in which the table is presented with its identity. The apparent difference arises from the fact that different parts of space coexist, while different times do not. Thus it seems that, while the feeling of today cannot be the same with that of yesterday, the part of the table at which A sits can form one whole with that at which B sits. What is overlooked is that it is only because the part of the table where A sits and that where B sits are each other than my state of consciousness that they can coexist. Certain states of consciousness must, in virtue of the equal presence of the ego to them, have been converted into coexisting parts of a whole, before I can conceive of one table at several parts of which A and B sit. And a like operation of thought on successive feelings of colour converts them into an identical object.

58. To sum up: the best view of that which the proposition expresses is that it is 'the thought of an object under relations.' This is equally true whether the object is 'given n intuition,' and thus the judgment is singular, or no; whether it is merely conceived or also perceived or imagined. The most primary of these relations (those involved in all

judgments) are (*a*) identity, which implies difference; 'this is a fire'; (*b*) thing and its action (cause and effect); 'this warms me'; (*c*) thing and quality; 'this is hot'; (*d*) determination of one object by another, which is also their reciprocal action; 'this which is warm is other than that which is not.'

59. Without a feeling consciousness of likeness and unlikeness, it is true, none of these judgments would be possible; but I should not introduce consciousness of likeness and unlikeness among the categories or relations involved in all judgment, because consciousness of likeness and unlikeness is possible without any judgment, possible in a merely feeling subject, in the sense that an animal could not e.g. be taken out of hot water and put into cold without being conscious that the latter feeling was unlike the former. This, however, would not amount to consciousness of a *relation* of likeness and unlikeness.[1] In order to this there must previously be a conception of objects, permanent in distinction from transitory feelings, between which such a relation may obtain. In such a conception of objects the above categories are involved. There can be no conception or judgment (which is but the evolution of conception) at all without them,[2] but there can be without a conception of relation in the way of likeness or unlikeness (which presupposes that of identity and difference; 'these colours are not the same, but like'; 'these colours are not merely different, but unlike').

Thus there may be consciousness of likeness and unlikeness in one sense without judgment at all. In the other sense of such consciousness there may be judgment without

[1] In the case of a cat thrown out of warm water into cold, the latter feeling, as felt by the cat (whom we suppose not to be a thinking subject), is determined by contrast to the former. Its painfulness (the shock caused) just consists in this contrast. There must then be continuity of *feeling* consciousness from one experience into the other; one *feeling* soul equally present to both events. But a *feeling* soul is not therefore a *thinking* (self-conscious) soul. It does not separate itself from itself and present itself to itself as an object. Hence it does not present its feelings to itself as permanent felt objects,—does not retain its feelings as objects still there for thought when they have ceased to be felt, and for the same reason is not conscious of a relation of unlikeness as a *relation*; which implies *coexistence* of the related objects. We cannot speak of the animal's consciousness except in terms of our own, and hence call its feeling of cold, as determined by the previous feeling of warmth, a consciousness of relation, which it is not.

[2] Can the above categories be made out to be involved in such a judgment as 'something is here'?

it. Nor is the statement of resemblance ever the whole import of a proposition. A proposition which asserts resemblance between phænomena always asserts it as a quality of a thing. 'The sun is like a ball of fire'; what is here asserted is a likeness between certain appearances *as a quality of the sun.* So with such relations as order in place and time; they stand on a different footing from the above. They are not involved in all judgment, and in every judgment which states them they qualify a subject and thus presuppose the other relations.

60. Their predominance in Mill's account arises from his effort to make all judgments relate to states of consciousness.[1] Two really inconsistent views of the proposition run through Mill, one according to which it states a relation of attributes, the other according to which it states a relation between phænomena, which he interprets as = states of consciousness, = feelings. The truth of the matter is not either that some propositions express a relation between attributes, others sequence or coexistence between phænomena, or that the relation between attributes is reducible to sequence and coexistence between phænomena, but that every proposition expresses a relation between attributes or a determination of an object by attributes, and that the attribute by which the object is determined, or which is asserted to coexist with other attributes, sometimes consists in the sequence or coexistence of phænomena.

61. We must observe in the first place that if phænomena = mere feelings, as they are felt, not as they are thought, no relation between them is possible. The members of a relation must exist together. But of the feelings between which we assert a relation one is past or passing before the other begins, and this other has no sooner begun than it is over. I strike one note of music and then another and assert a relation of difference between them, but only because for the comparing subject they are present together,—only because for it they are *not* what as feelings in time they *are*, viz. successive. It may be said, 'Are not the feelings of animals related?' We answer, *really* they are, but not for the consciousness of the animals. Phænomena, then, in order that relations of sequence and simultaneity may obtain between them, must be, not feelings as merely felt, but felt

[1] See passages in I. v. §§ 4 and 6.

objects, feelings as thought of. Secondly, when such sequence and simultaneity of phænomena form part of a judgment, by a mental act, the same in principle with that by which feelings become felt things, the relation in question becomes an attribute or determination of a thing. A judgment, if it is to state a relation between attributes, cannot state merely a sequence or simultaneity of feelings; it must state the sequence of feelings as the attribute of something. 'Rain falls after a lessening of atmospherical pressure,' 'rain falls when heavy clouds are overhead.' Here no doubt in the several cases a sequence and simultaneity of phænomena are stated, and also a relation of attributes is stated, but the phænomena between which sequence or simultaneity is stated are not the attributes between which a relation is stated. The phænomena are the fall of rain and the lightening of atmospheric pressure or the appearance of clouds. The attributes between which the relation is stated are on the one hand general attributes of rain, on the other the attribute consisting in the sequence of its fall upon lightening of pressure or its simultaneity with the appearance of clouds.

62. We must not, then, use relation of attributes and relation of phænomena as equivalent expressions. If we take the former as expressing the import of propositions, we can only say that in some cases the attribute predicated consists in the simultaneity or sequence of phænomena, but the relation between attributes is never one (*a*) of sequence, or (*b*) of simultaneity, or (*c*) of mutual limitation in space. (*a*) and (*b*) are relations of events, and attributes are not events, though an attribute, in Mill's language, may be 'grounded on' an event. 'John's hair turned grey before he cut his wisdom teeth'; here are two sequent events stated, but the two sequent events are not two sequent attributes. The attribute consists in the relation between the events and is an attribute of John, with whose other attributes, if you like, it coexists, but not in the way of cotemporaneity, nor in the way of mutual externality. Mutual externality of parts or 'order in place' may be asserted as an attribute ('bodies are extended'), but this attribute does not therefore coexist in the way of such externality with that of which it is the attribute. Attributes can no more be external to attributes, or to that of which they are attributes, than thoughts to thoughts, or

than the conception of space can itself be a space. Take the propositions about triangles in Euclid. They assert attributes of triangles. These all represent relations of spaces each outside the other, but the several attributes are not therefore outside each other nor outside the triangle. The triangle, as intuited, is so much space, but not as conceived, and it is as conceived that it is a subject of attributes. As conceived, the relation of externality has no application to it; its attributes are not external to it or each other; there is no relation in the way of order of place between them and it or each other. If such a relation cannot obtain even between the attributes of a triangle, there is even less excuse for supposing it to obtain between the attributes of anything else.

D. *VERBAL AND REAL PROPOSITIONS.*

[Mill, Book I. Chapter VI.]

63. Mill's distinction of real and verbal propositions corresponds to Locke's between 'instructive' and 'trifling.' The latter are those in which the predicate merely represents an idea already included in the complex idea which the subject-name stands for (cf. Mill, I. vi. § 4). It is difficult, however, to ascertain what propositions are to be so regarded. From § 5 it would seem that 'all men are mortal' is not verbal. 'All men are animals' presumably would be. Yet it is difficult to allege that 'mortality' is not just as much asserted of a subject in calling it 'man' as is 'animality.' All propositions, according to Mill, are merely verbal which are 'essential' in the Scholastic sense, since 'essence' = the meaning of a name. There is no difficulty in deciding what attributes are of the essence, so long as you regard essence in the Scholastic way as fixed by a definition; but once admit that the meanings of names fluctuate, that the same name means different things to different persons, and it becomes impossible to say, in regard to any general proposition, unless we maintain (which Mill does not) that the mere fact of its generality proves it verbal, whether in the predicate you assert more than you imply of everything to which you apply the subject-name. The formal logician (in the special sense), it is clear, can have nothing to say to it unless it is merely verbal. Unless the complex idea expressed by the name 'man' includes the idea of mortality, you must 'go beyond the given conception,'—you must refer to 'matter' not included in it, so that your thinking will be other than formal,—in the syllogism which proves mortality of 'this man.'

64. According to Locke's own doctrine, again, there is no doubt what general propositions are 'trifling,' what 'instructive.' All general propositions are 'trifling,' unless they relate to morals or mathematics. According to the

predominant notion of the 'real' in Locke, as 'that which happens to me whether I will or no' in opposition to all work of thought, a proposition which is to state real truth should state a single event in the way of feeling. It has been sufficiently shown that a proposition stating merely a present feeling apart from modification by what is not present feeling is in fact impossible. Locke, however, so far tries to be consistent that (subject to exceptions in favour of mathematics and morals) he restricts real propositions (statements of real truth) to the singular form. According to him they must state an event now happening or that did once happen (though he cannot in effect keep such events clear of modification by understood relations). A 'real coexistence of ideas' (which is about equivalent to a 'simultaneity of phænomena' in later language) can be asserted in present or past single instances, but not generally. When it seems to be asserted generally ('all gold is soluble in *aqua regia*'), what is in fact asserted is either a 'fact in my mental history' (to use Mill's phrase), and that a single fact, or that a certain idea, consisting in a strong expectation, is included in the 'nominal essence' of the subject. Of 'mixed modes,' however, with Locke the 'nominal essence' is also 'real.' The ideas of them are our own making, not made for us by something without us, and do not, like those of substances, relate to an archetype other than themselves. The certainty of propositions about them, accordingly, may be both real and general. According to the original account of modes in chap. xii., &c. of Book II this could only be consistently admitted of 'mixed,' not of 'simple,' modes, for ideas of simple modes of space and duration, according to this account, are just as much made for us as simple ideas, and have just as much reference to outward things as have ideas of substances. However, in the third and fourth books he extends to mathematical ideas (which are in fact ideas of simple modes) as well as to moral ones the privilege of having no relation to reality other than themselves. In regard to mathematics and morals, then, we may extend our knowledge without experiment and observation,—without new events in the way of sensation happening to us,—and can arrive at propositions new and 'instructive' (in the sense that what they state in the predicate is not already implied in our having the idea which forms the subject), and universally true

(because they state relations of ideas which belong merely to our minds, and which, therefore, must be always what they are once), by some process of 'laying in order our ideas.'

65. Locke leaves us quite in the dark as to the nature of this process, or how it is possible—since it implies some construction of new ideas—for a mind which can only combine and abstract *given* ideas. What forced such admissions upon him was, no doubt, the existence of the sciences of jurisprudence and geometry, both of which seem to arrive at new truths without experiment or observation, and to argue deductively from these as universally true, without liability to exception or modification. In the fifth proposition of Euclid, having got a certain construction, we are able by a series of direct comparisons of magnitude to compare the angles of the isosceles as remainders of equal angles and therefore themselves equal. As Locke would say, we arrive at the conclusion by 'laying in order intermediate ideas.' But having arrived at it by means of a particular construction in that 'bare instance,' we take it as universally true. Afterwards we try to exhibit angles as angles at the base of an isosceles, in order at once to be sure of their equality. Locke explains this by saying in effect that the ideas between which equality is demonstrated in the single case, being merely our own making, do not depend on anything else which can modify them. So in jurisprudence new general propositions are made: a general definition of a crime is constructed (representing no doubt a prior custom, but then this custom is man's making), and then the business of the jurist is to exhibit particular cases in such a way as that they may be covered by the definition, just as the geometer tries to find a construction by which (say) he may exhibit a couple of angles as angles at the base of an isosceles. In regard to jurisprudence it is clear that the difficulty of admitting such certainty, at once real and general, is not the same as in regard to mathematics. Its general propositions, the 'empiric' will say, represent human convention or enactment. Rights having been admitted and acts made criminal, as occasion required, under direction of a common understanding, but without explicit recognition of a general principle, the jurist reduces the rights or crimes in question to such a principle, and then brings fresh cases as they occur under such principle.

In all this he is merely summing up and finding general expression for what does not profess to be other than the work of man. (Convention and enactment, however, imply that man is able to make new conditions for himself in a way of which animals are incapable, and which would be unaccountable if human life were simply the result of natural influences: they imply that man presents himself to himself as the possible subject of a condition other than his present one.) Mathematical propositions, on the other hand, relate to what is just as much natural as anything can be, nay, to what is natural κατ' ἐξοχήν, to elementary properties of matter. In Locke himself we find that ideas which in Book IV are treated as merely of the mind, have in Book II been treated as 'ideas of primary qualities of matter,' of qualities which 'are in things whether we perceive them or no.'[1]

66. Kant retains from the school of Locke the doctrine that judgments of 'empirical origin,' if more than analyses of a complex idea, cannot be universal and necessary. This is indisputable, if by such judgments is meant a statement of an event in the way of feeling, or a summary of such events, and this is what it did mean to Kant's predecessors, and what alone it can properly mean unless experience is to be recognised as in its very origin determined by thought. If a judgment, general in form, is a summary of past events which have hitherto happened without exception in a particular way, it does not purport to be universal and necessary. If it is taken to represent the strongest possible subjective expectation, this is relative to the individual's experience so far as it has gone. People who think that the development of habits through hereditary transmission will account for the necessity of necessary truths, show that they do not know what is meant by such 'necessity.' It does not mean strength of subjective expectation, which is what alone could be thus accounted for, but necessity as a condition of there being a nature.

67. The propositions which Locke spoke of as explanations of a 'nominal essence,' Kant called 'analytical judgments.' All universal judgments, then, if of empirical origin, must be analytical. If there are judgments which

[1] See *General Introduction to Hume*, §§ 115 ff.; vol. i. p. 94 ff.

are universal and necessary, and at the same time synthetical ('adding to our conception of the subject a predicate not contained in it'), they cannot be of 'empirical origin,' they must be '*a priori*.' Kant finds such judgments in mathematics and natural philosophy. His instances are, '7+5 =12;' 'a straight line between two points is the shortest;' 'in all changes of the material world the quantity of matter remains unchanged;' 'in all communication of motion action and reaction must always be equal.' These are not summaries of events in the way of feeling—not in that sense results of experience, though without experience we could not have them. They arise out of the presuppositions of experience, out of conditions under which alone experience is possible; the two former out of conditions under which alone intuition of objects is possible (presentation of them as individual in space and time); the two latter out of those under which alone experience as of nature, of an objective uniform system, is possible.

68. Kant's distinction, however, of 'synthetical' and 'analytical' propositions, as he understood it, does not exactly square with Locke's of 'instructive' and 'trifling,' as this was understood by Locke. Kant would not have admitted that his analytical propositions were merely verbal or trifling, or that the conception analysed in such a proposition could be no more than a combination of 'ideas' derived from previous experience and fixed by a name. Nor by 'judgments of experience' which, as such, are always 'synthetical,' did Kant understand merely summaries of events in the way of feeling, undetermined by conceptions not derived from such events. Thus his instance of an analytical judgment is, 'all bodies are extended (or impenetrable),' which is 'not an empirical judgment, but stands firm *a priori*'; but he would regard this judgment as a most important factor in the constitution of knowledge. It is not, as an analysis of an empirical conception would be,—as with Locke 'all gold is malleable' would be,—of no use in the furtherance of knowledge, a mere account of what is understood by a name. On the other hand, 'all bodies are heavy' (his instance of a synthetical proposition), is only possible because body is conceived as part of the totality of experience to which I may add other parts, as I do when I

recognise by observation that bodies are heavy.[1] But the conception of experience as a whole of mutually determining parts is, as it is Kant's great merit to have shown, not of empirical origin. It arises, as he awkwardly puts it, from the 'I think which accompanies all our representations,'—from the 'unity of the self-conscious subject present to all intuitions.'

69. Now a judgment determined (rendered possible) by such a conception is no longer of empirical origin in the sense of being a statement of an event, or of a multitude of past events, or of an expectation resulting from such; and the question is whether, when the meaning of 'judgments of experience' has been thus altered from what it was with the school of Locke, the antithesis either between them and '*a priori*' judgments, or between synthetical and analytical, can be maintained in the absolute form in which Kant puts it. No doubt Kant is right in holding that there are universal and necessary judgments which are not analytical in that sense in which, according to the Lockeian (experiential) doctrine, all universal judgments must be, i.e. as evolving the connotation of a name; and in maintaining the synthetical character both of mathematical judgments, and of universal judgments about nature, e.g. 'all bodies have weight,'—synthetical, i.e. as opposed to the above sense of analytical. The question is whether his own doctrine is not fatal to the acceptance of the distinction between analytical and synthetical judgments in the form in which he puts it, i.e. not as a distinction between verbal and real propositions (propositions evolving the connotation of a name and propositions stating a matter of fact), but as a distinction between two sorts of real propositions,—those stating 'judgments of experience' (synthetical) on the one hand, and those stating '*a priori*' truths (analytical) on the other. If a proposition which is to state real knowledge about things must state something which happens or has happened, one can see (*a*) that such a proposition cannot take universal form without ceasing to state real knowledge, and (*b*) that it is absolutely opposed to any statement about a conception in the mind. But if

[1] 'Thus it is experience upon which rests the possibility of the synthesis of the predicate of weight with the conception of body, because both conceptions, although the one is not contained in the other, still belong to one another (only contingently, however), as parts of a whole, namely, of experience, which is itself a synthesis of intuitions.' – *Critique of Pure Reason* (Meiklejohn's Trans.), p. 8.

'all bodies are heavy,' explained as Kant explains it (without any attempt to reduce it to a statement of events), is to be our instance of a 'judgment of experience,' (*a*) is the difference between conceptions which merely '*belong* to one another,' and those of which 'one *is contained* (though confusedly) in the other,' such as to justify the assertion of an absolute difference between synthetical and analytical propositions? (*b*) is 'all bodies are heavy'—a synthetical judgment of experience—still so far from being universal and necessary that when we find a judgment which indisputably is universal and necessary, we have no alternative but to suppose it either not synthetical (merely analytical), or, if synthetical, then not 'of experience' but '*a priori*'? If we answer (*b*) in the negative we have to alter Kant's distinctive doctrine of the relation between mathematical and other knowledge; if (*a*) in the negative, we must reconsider his doctrine as to the impossibility of extending knowledge beyond the region of possible intuitions, the point of this doctrine being that without intuitions there are no synthetical judgments, and any extension of knowledge must consist in synthetical judgments.

70. In judging body to be extended, according to Kant, we do not go beyond the conception of body; in judging it heavy, we do go beyond the conception; the conception of heaviness belongs to, but is not, like that of extension, contained in, that of body. But do we not go beyond the subject-conception 'body' in judging it to be extended? The judgment is otiose unless we do. In all real thinking such a judgment would represent a process of going beyond a given subject to connect it with others,—either to connect *this* body with other bodies as limited by and limiting them, or to connect body under the point of view of its being a composition with all things else divisible. From Kant's point of view it might be said that in one sort of judgment we go beyond the subject indeed, but only to connect it with other subjects in virtue of properties belonging to them as the result of *forms* of intuition; in the other we go beyond the subject to connect it with others in virtue of properties given in *empirical* intuition. But since with Kant both the existence of objects of empirical intuition, and the connection of one object with another in a nature, are rendered possible by synthetic intelligence, this distinction reduces itself to one of degree in complexity of synthesis. In both cases, in

the actual process of knowing, you go beyond the subject, but in one case to connect it with a more, in the other with a less, complex result of intellectual synthesis.

71. To avoid misapprehension, we must bear in mind (what Kant would not have disputed) that both propositions alike, as representing the mental act of the individual, *may* represent one of mere analysis of an accepted definition. 'Under the term 'body' we agree to understand the attribute of extension, or that of heaviness, as the case may be.' There is no doubt that to all of us 'body' has come to include heaviness in its connotation just as much as extension. What we have to do is to compare 'all bodies are extended' with 'all bodies are heavy,' (1) as we may suppose these several judgments first arrived at, (2) as they are employed in thinking about the world, about matters of fact, in arriving at further truth, as distinct from the process of reviewing the connotation of general terms, (3) as representing truths about the world. Is there any difference of kind between them in these respects, such as Kant supposes between analytical and synthetical judgments? As to (1), Kant's own doctrine implies that 'all bodies are extended' could not be got at without intuition. It='all bodies are parts of space,' and this implies the presentation of 'pure intuition.' It is not analytical, then, as first arrived at, but, according to Kant's doctrine, it is arrived at (*a*) by a synthesis more primitive than that by which 'all bodies are heavy' is arrived at, so primitive, indeed, that without it the conception of body could not be formed at all, (*b*) by a synthesis exercised upon a pure form of intuition, as distinct from a synthesis exercised, as in the case of the other judgment, upon an empirical intuition. This does not mean, however, that 'all bodies are heavy' is a summary of events in the way of sensation, according to Kant, any more than the other. An intellectual synthesis is necessary to give it. 'Weight' is not a mere feeling, but an 'empirical conception' resulting from the interpretation of feeling under the direction of the 'synthetic principles of understanding' (in particular the principle of 'anticipations of perception'), and as predicated of body it implies the conception of the connexion of body with the 'whole of possible experience.' As arrived at by us, then, it is not true to say that one is got at by analysis of a conception, the other not, or that one

is arrived at without experience, the other by means of it; one independent of sense, the other not. Each presupposes a synthesis, and in its universal form results from an analysis of the result of such synthesis. The difference is that one presupposes a less complex synthesis than the other, and that while, in order to arrive at one in its explicit universal form, the analysis needs only to be of that result of synthesis which we call 'body,' it is a more complex result that must be analysed in order to yield the other, in a like explicit universal form. So far there is truth in saying that in one of the two judgments the predicate is contained in the subject, in the other only belongs to it.

72.[1] 'We cannot,' it may be said, 'conceive body at all except as extended; the conception of it as heavy is gradually formed through experience.' If it comes to a question of the individual man's power of conception, there is quite as much ground for saying that imponderable bodies are inconceivable as unextended ones. It is true that extension when analysed turns out to be the simpler conception. In Kant's language it is the conception of that which is the condition of all intuition—all perception and imagination. But (*a*) in this respect how does 'all bodies are extended' differ from 'a straight line is the shortest between two points,' which is equally based on a necessity of intuition? (*b*) why, because extension is a simpler, more abstract, attribute than heaviness, should one be said to be contained in that of body, the other merely to belong to it? If we treat it as a question of what any individual understands by 'body,' one attribute is as much contained in it as the other. If it is a question about body as it is really determined in the universe or for a perfect intelligence, gravity is as necessary to the conception of it as extension. It is only relatively to us, as of growing intelligence, that the distinction between the simpler attribute as contained in, and the more complex as belonging to, a subject, can have any meaning, and for us it is only a distinction of degree. In like manner, if the distinction between analytical and synthetical judgments is meant to be one of truth, as distinct from one of the way in which we as individuals apprehend them, for a distinction of kind

[1] [This section is to a great extent identical in substance with the preceding one, but it deals briefly with the second and third heads of comparison between the two kinds of judgment, which are stated but not discussed in the previous section.]

should be substituted one of degree between more elementary and abstract truths on the one side and more determinate and concrete on the other. Universality and necessity no more belong to one sort of truths than to the other, though about the latter *we* are more likely to make mistakes. As regards analysis and synthesis, the truth is that every judgment (*a*) presupposes a synthesis which is an analysis of the confused, (*b*) is itself an analysis, (*c*) an analysis which in all actual thinking is a step to farther synthesis. A synthesis of sensations so as to form an intensive quantity is necessary to the conception of weight; a further synthesis is necessary to the conception of this as an attribute of body. The result of this synthesis is that conception of body which is analysed in the judgment 'all bodies are heavy,' of which in actual thinking the purpose would always be some synthesis, such as the connection of the motion of a particular body with other phænomena, as an instance of gravity modified by other forces.

73. But it may be said that, though these objections may be valid against the distinction between analytical and synthetical judgments, as Kant puts it, the distinction remains between judgments respecting matters of fact and judgments respecting mere ideas. No doubt there is a distinction between propositions which merely state what the propounder understands by a general name and those which apply to reality. The object of the former is either (*a*) the instruction of another, or (*b*) agreement with an opponent as to the sense in which a word is to be used, or (*c*) rhetorical deception, or (*d*) the clearing up one's own thoughts. The real question is (*a*) whether all judgments which do not state events in the way of feeling (which no general proposition can do) are thus merely analytical of the meaning of a name, and (*b*) whether, if we admit judgments which do not state events in the way of feeling as yet relating to matter of fact, the distinction between matter of fact (reality) and thought can be maintained. Question (*a*), as we have seen, Locke, with a varying amount of drawback, answered affirmatively in regard to 'substances' or 'coexistence in nature,' but admitted judgments respecting mere ideas which were yet 'instructive' and stated real truth—were not analytical of the meaning of a name—viz. mathematical judgments. This is inconsistent (1) with his

view of the unoriginativeness of mind, (2) with his view of reality as that which happens to us, (3) with his view of mathematical truths as representing primary qualities of matter. Hume in the 'Treatise of Human Nature' tries to reduce mathematical propositions to statements of matter of fact as sensible events, which he admits destroys their universal character. In the 'Essays' he reverts to Locke's view. He classifies propositions as statements either of matters of fact or of relations between ideas, and puts mathematical propositions in the latter class without meeting the objections to this view which have been stated above with reference to Locke.

74. Mill tries to combine the view of Hume's 'Treatise' with that of his 'Essays' without recognising the consequences of either. He identifies mathematical propositions with propositions respecting matters of fact—reduces all propositions which do not concern matters of fact to analyses of nominal essence—and at the same time ascribes universality to propositions concerning matter of fact, which Locke and Hume had seen could not belong to them if they = statements of events, and could only belong to mathematical judgments on the supposition that they concerned mere ideas.

In truth, Mill's view of mathematical propositions, as well as many other propositions concerning nature, is incompatible with their being statements of events at all: it implies that they are statements of conceived relations between objects which are not events at all, and can only be called phænomena in the loose sense of that term in which it stands, not merely for a sensible event, but for any object of consciousness whatever. His other universal propositions concerning matters of fact, though they relate to events, relate to them as determined by an order of nature which is not an event or sum of events; and it is only in virtue of determination by such an order that events can become subjects of universal propositions.

75. When matters of fact (or 'phænomena') have thus ceased to be mere 'events in the way of feeling,'—have come to be regarded as appearances of an order which, as can be shown, can only exist for a thinking as opposed to a merely feeling subject,—the question is whether the distinction between them and ideas (as = thoughts as such) can be

maintained; whether for this must not be substituted the distinction between them and the meaning of general names, which=the conception on the part of the person who uses the name as it happens at any time to stand, which presumably is untrue and inadequate. In regard to propositions professing to concern nature, then, for Locke's distinction between those expressing real existence and those explanatory of a complex idea, for Kant's between synthetical and analytical, we shall adopt another distinction of Kant, between those which do and those which do not concern objects of possible experience, understanding at the same time that thought is necessary to constitute experience. In other words, all universal judgments that are to be more than nominal, though they can by no means be reduced to singular ones, any more than conception can be intuitionalised, must be verifiable by an intuition, which could be stated in a singular proposition.

E. *DEFINITION.*

[Mill, Book I., Chapter VIII.]

76. No DEFINITION is a statement of a present sensible event, or of a multitude of such events. Accordingly, according to Locke's view of propositions concerning real existence, no definition (subject to a reservation in favour of mathematical definitions) can concern real existence: it can only be an analysis of nominal essence. In like manner, Mill, at the beginning of the chapter on definition, calls them the 'most important of propositions purely verbal.' The natural meaning of this is that definition does not relate to matter of fact or reality, that it merely analyses a complex idea as opposed to stating what happens (which alone = the real). But, as we have seen, Mill is ambiguous in his account of 'verbal propositions.' If every proposition is 'merely verbal' which asserts something of a thing 'under a name that already presupposes what is about to be asserted' (I. vi. § 5), then every statement by a scientific man is *for him* merely verbal. 'Water is composed of O and H in such and such proportions.' In calling anything 'water,' the scientific man understands himself to imply that it is so composed. Such a statement, however, by no means falls under Mill's other account of a 'verbal proposition,' viz. that it is one which 'does not convey information.' So with every definition: it specially purports to be a statement of the full meaning with which the definer uses a certain name; thus it is necessarily 'merely verbal' in the sense that it 'asserts something of a thing under a name that' to the definer 'presupposes what is about to be asserted.' But it does not in consequence 'convey no information.'

77. The truth is that every general proposition comes under the above account of 'propositions merely verbal,' and a strict follower of Locke and Hume would have to admit

that no such proposition concerned real existence, or conveyed any information except as to the usage of a name. Mill, however, is by no means prepared to admit this: he holds that general propositions may represent real existence; that the question whether they are merely verbal or no depends on whether the conception, which such a proposition in every case unfolds, represents a real union of attributes in a thing. This being so, the distinction between verbal and real propositions, as he puts it (i.e. in a form only suitable to the view which regards *every* general proposition as merely verbal), loses its meaning, and in consequence we find him constantly treating propositions as real, not verbal, which yet fall under the above description (e.g. 'all men are mortal'). In like manner, when treating of definition, he is still so far affected by the Lockeian theory and his own account of 'verbal propositions' as to identify definition with verbal proposition, but soon comes to write of definition in a way that makes this unmeaning. Thus (I. viii. § 1), as a formula for expressing the definition of 'man,' having first adopted 'man is a name connoting such and such attributes,' he immediately substitutes 'man is everything which possesses such and such attributes,' thus showing that he does not consider the definition to be merely an analysis of nominal essence in Locke's sense, but a statement of a real coexistence of attributes in a real subject. Again, having said (*ib.*) that a definition is 'the sum total of all the essential propositions' (which=propositions merely verbal) 'which can be framed with a given name for their subject,' he says (*ib.* § 3) that 'the only adequate definition of a name is one which declares the facts, and the whole of the facts, which the name involves in its signification.' Does this mean all the qualities, which those who apply the given name to an object understand that object to possess (the object being a creature of their thoughts)? Or does it mean that the content of a definition should be some group of qualities or phænomena really connected with each other and constituting a real object to which the defined name is applied? If it means the former, the question being simply one of usage, it will be impossible to do more than lay down some meaning in which the given word is to be used as between certain persons, or in a certain book, or in a certain enactment. To determine the sense in

which all who use some name happen to use it, unless it be a technical term, is clearly impossible. But if this is what Mill means by definition, there is no purpose in insisting on the difference between 'complete' and 'incomplete' definitions, and that the former must state 'the whole of the facts, &c.' All that can be reasonably sought for in such a definition is a guide to usage, which the 'incomplete' definition furnishes. There is no meaning in the requirement that 'all the facts' be covered by the definition, unless it is understood that the name represents some real thing (however this be explained), and that we have to try to make the conception which we connect with the name correspond with the facts united in the thing.

78. In regard to 'scientific definitions' Mill virtually admits this (*ib.* § 4). Their purpose 'is not to expound a name, but a classification,' and that not an arbitrary classification. As Mill's instances show, their object is to state some real relation of properties, which a multitude of other such relations really depend upon, or at any rate accompany. In other words, their object is to do just what the definition of Plato and Aristotle was meant to do, viz. to explain the phænomena of the world as graduated modifications of simpler principles; only they do it in a less superficial way. They do not find their simpler principle in an abstraction from some rough current conception, which was what the ancients did. Thus, to take Mill's instance of the quest for the definition of heat (which he strangely speaks of as an inquiry into the meaning of a word), the object is to discover the 'power which causes what our senses recognise as heat' (a '*verum genus*'), and then to differentiate this genus by determining 'under what characteristics the multitudes of phænomena certainly connected with this power' may 'be embodied as a class' (i.e. treated as modes of this power), 'which characteristics would of course be so many differentiæ for the definition of the power itself' (*ib.*). We may almost say that whereas the ancient logic, supposing itself to be defining the nature of things, really was but analysing the received meaning of general names, the modern logic, while insisting that it is only explaining the meaning of words, is really engaged in gradually defining the nature of things.

79. The reason why Mill and others (who, unlike Locke,

admit the possibility of truths at once real and general), are afraid of allowing that definition can ever be of the 'nature of things,' is that they think this implies the 'reality of essences,' i.e. that there are real things corresponding to the signification of general names. For these they would substitute real uniformities in the relations of phænomena, to which they would rightly hold that the meanings of general names seldom correspond. This is a very good reason for refusing to admit that those definitions which merely analyse what is ordinarily understood by general names are at the same time explanations of the nature of things; but not a reason for denying that either scientific definitions, which purport to state some most 'general uniformity of phænomena' as modified by particular conditions, or mathematical definitions, relate to real existence.

80. Undoubtedly every definition is an analysis or explanation of the meaning of a name (of a conception represented by a general name), though in some cases not of a name previously in vogue, but of one introduced to represent the conception which the definition states. This, however, is saying very little. Everything depends on the nature of the conception, and the sense in which the definition professes to explain it. It may be (*a*) a conception current among men, of which the definition undertakes to explain the ordinary content, what it involves for most men who entertain the conception. Only such a definition can fitly be said to be 'merely of the meaning of a name.' (*b*) It may be a conception which the definer does not find in vogue, but undertakes to constitute. Such are (1) definitions contained in law (the definition, say, of manslaughter, or of a public elementary school), and those which the judge and jurist derive from these: (2) definitions of duties by the moralist, so far as he undertakes to do more than expound common sense: (3) mathematical definitions; the definition of a circle represents the mental act of constructing it. (*c*) It may be a conception representing the definer's discovery of facts of nature, or his analysis of metaphysical conceptions,—those conceptions which do not properly result from experience, but regulate its formation and the growth of usages, institutions, and practical ideas among men, e.g. cause, substance, right.

81. In regard to (*a*) and (*c*) *completeness* of definition is

impossible. In the case of (*a*) there is no object in seeking it; what is wanted is either a guide to usage, or security for consistency in the use of a term by writers or disputants. In the case of (*c*) there is a constant progress towards completeness of definition, but definition is the end of the scientific process, not the beginning; i.e. it is a constant effort to reach ultimate principles—force, configuration of particles, primitive cell, or tissue—of which all phænomena may be exhibited as a graduated modification; in other words, to exhibit phænomena as successive differentiations of a genus. If by definition is meant the analysis of a given conception represented by a word, the scientific process has nothing to do with it; but if it means the process of reaching such a conception as above described—the true genus duly differentiated—then all science consists in or is subsidiary to definition. As to metaphysical conceptions, their full definition is only supplied by the scientific or practical experience which they regulate. Such definitions as (*b*, 1) are (1) liable to alteration by new law, (2) only attained so far as law takes the form of explicit and consistent general enactment. In fact, a great part of the business of the lawyer consists in trying to make definitions which shall be complete in the sense of covering all usages of a term in common law (and even in inconsistent statutes). (*b*, 2) are necessarily incomplete: the genus of a duty may be stated, but its differentiation depends on circumstances which cannot be determined *a priori*. Take e.g. the duty of truth-speaking. Granted the duty to convey to everyone with whom one has to do the most correct notion of what one thinks, and the fullest information about all that concerns oneself and him, *possible*, or of which *he is capable*, or of which *circumstances allow*; all practical questions turn on the right interpretation of these qualifications.

F. *SPACE AND GEOMETRICAL TRUTH.*

[Mill, Book II., Chapters V., VI.]

82. There remain (*b*, 3).[1] The question as to the nature of mathematical definitions and axioms, and of reasoning apparently founded on them, turns on what we consider space itself to be; space, and not merely our ideas of space. It is characteristic of Mill, Spencer, and the rest, that they treat the question at issue between them and Kantists as if it concerned merely the origin of our *beliefs about* space. Space itself and its properties they take for granted as something of which we have sensitive experience. This granted, it is easy to show that our beliefs about space are derived from such experience. All that they suppose has to be accounted for is the strength of conviction attaching to such beliefs, of which Spencer is considered to have found the final explanation in the 'discovery' that this conviction is not derived merely from each individual's experience, but from the experience of endless generations, of which the result in the way of strengthened belief is transmitted from one generation to another. That this 'discovery' should be supposed to have any bearing on the real question at issue, shows how entirely this question is misapprehended. No explanation of the readiness and strength of conviction with which the individual accepts certain beliefs about space amounts to an explanation of what space itself is.

83. Is space a sensation? Berkeley would have held this if he could; but so soon as he has used language which implies it (which implies the identification of visible extension with colour), he substitutes for it language which implies at least a multiplicity of sensations.[2] Is it then a succession of sensations? This is the only logical alternative to those who, like Hume, accepting Berkeley's reduction of

[1] [Above, section 80.]

[2] See *General Introduction to Hume*, secs. 177–178, vol. i. pp. 144–145.

the sensible thing to sensations, also reduce the mind to a flux of feelings. Space, however, is supposed to be an aggregate of coexisting parts, and a succession of sensations cannot constitute such an aggregate. Thus Hume has to regard it, not as a sensation, but a compound of feelings, without explaining how such a composition is possible. He makes space (extension) a compound of which the ultimate parts are not extended (spaces), but are sensations of colour or hardness. He avoids, however, the difficulties that arise from representing parts of a space as not themselves spaces but feelings, by substituting for 'sensations (impressions) of colour,' &c. 'points or corpuscles endowed with colour and solidity.' Thus he really assumes space in his account of the impressions, of which space is to be explained as the compound. His doctrine, as he admits, renders the universal propositions of geometry not only untrue, but unmeaning. There is nothing in reality or in the mind corresponding to the right lines of which the mathematician asserts that they can never have a common segment; (the only right lines which exist either as impressions or ideas, in reality or in the mind, may have a common segment;) nothing to the isosceles triangles of which the mathematician says that the angles at their bases are always equal, &c. &c.[1]

84. Kant's doctrine of space and time is quite compatible with the admission that the abstract ideas of space and time have only been gradually attained by the human mind. It means that space and time are relations, under one or other or both of which all sensible objects are presented to us, but which are neither sensations, nor sensible objects, nor results of abstraction and generalisation from such objects (since they are the conditions of the earliest perception), but are constituted by the mind in the act by which mere sensation becomes 'intuition' (perception). Kant expresses this sometimes by saying that they are 'forms' added by the mind to 'matter' given in sensation. The 'priority' thus claimed for space and time is not a priority of the abstract ideas of space and time, but a priority of space and time, as relations constituted by the mind, to the sensitive experience which they determine, and which through them becomes an intuition of objects. 'Priority' is an unfortunate term, because it suggests antecedence in time; but all that Kant

[1] *Ib.* secs. 274–275; vol. i. pp. 231–233.

meant by it was that space and time were not conceptions resulting from experience, but conditions given by the mind, under which sensation becomes an experience of definite objects.

This view at any rate does not exclude the 'historical' view that the detachment of these relations from other conditions of reality—a detachment by which the abstract ideas of space and time are formed—comes late in the progress of the human mind. Rightly developed, it is the true safeguard against 'interposing the fiction of time between ourselves and reality.' If space and time are relations constituted by the mind in the act of intuition, they are clearly not conditions under which the mind itself exists, nor conditions of any reality other than a perception. The objects of our knowledge are relations, and, according to Kant's own showing, no relations are *in* space and time. Only sensible objects are in space and time, and relations are not sensible objects.

Kant's great mistake lay in holding that the only objects of knowledge were objects of 'possible perception,' from which it followed, since space and time were conditions of perception, that nothing could be known except under these conditions. He was strong, however, against admitting that nothing could be *thought* except under these. It is thus incorrect to represent him as having held space and time to be in any way, direct or indirect, conditions of thought.

85. With Kant space is the 'form of intuition' of a certain sort, viz. outward, for which he occasionally substitutes 'form of outer sense'; the 'form' in virtue of which objects are perceived or imagined as external to each other and to our organism. Upon this it may be asked, (*a*) What is meant by 'form'? (*b*) When you define space as the form of outer sense, or the form in virtue of which objects are perceived or imagined as external to each other and to our organism, are you not assuming the thing to be defined? are you not in effect saying that space is the form in virtue of which we perceive things in space? Where Kant writes 'form,' we may generally put 'relation.' With Locke all 'relations' are creations (fictions) of the mind (understanding). He so reckons them because no single feeling (simple idea), nor any number of such feelings, except as combined by a subject other than any of the feelings, can constitute a relation, and only such feelings are given to the mind (and thus only they

with Locke are real). In Kant's language what is given to the mind in feeling is the 'matter' of sensibility; the relations by which this 'matter' is determined, i.e. which arise from the holding together of feelings by the one mind present equally to them all, constitute the 'form.' These, according to the same mode of speech by which the feelings are said to be given to the mind, are said to be added by the mind. The great mistake to guard against (and of which Kant by no means keeps clear) is that of supposing the 'matter' of sensibility to be really anything apart from 'form,'—objects first to be felt and then relations added. This does not mean that feeling cannot take place without thinking, but that for a merely feeling consciousness there is nothing of which reality can be predicated, no real objects; though a feeling consciousness itself becomes a real object for a thinking consciousness. Thus 'space is the form of outer sense'=space is the relation by means of which the mind constitutes the outwardness of sensible objects.

86. Now it is quite true that, since outwardness=existence in space, this is not a proper definition. It does not resolve a complex conception into genus and differentiæ, into a simpler conception qualified in a particular way. Space being an absolutely primary and simple relation cannot be thus analysed. A relation of another kind might be explained by a statement, not implying the relation in question, of what the objects are between which the relation obtains; but this cannot be done in the case of space, because, owing to the primariness of the relation, objects determined by it need have no nature except what they receive from the relation. What the above account of space does, is to bring out (*a*) that space is properly a relation, and as such constituted by the mind, and (*b*) by use of the term 'outward' (which, though it strictly='in space,' is, for reasons which will appear, less liable than 'space' to be taken to signify a 'thing in itself'), what the qualification of the object arising from this relation precisely is. State the qualification as outwardness, and it becomes apparent, (1) that it is ultimate —cannot be analysed into anything simpler; (2) that it is not a condition of *all* objects (not of object *qua* object); that, e.g.,though a qualification resulting from a relation, it is not one by which any relation can itself be qualified, since no relation is outside another; that thus (3), though a qualification

coextensive with the conditions of perception and imagination (since these we take to be relative to objects outside each other), it is not a qualification of objects as thought of. (2) and (3) are propositions implied in Kant's doctrine that space is not a 'thing in itself' or a quality of 'things in themselves'; a doctrine which has been misunderstood because Kant himself puts as the equivalent for it the statement that 'space is *only* subjective.' No one is clearer than Kant that space is a condition of all possible objects of experience. But what is true (and what on the whole Kant meant) is (*a*) that space is not a qualification of things as apart from mind or intelligence; (in this regard Kant's fault consisted in often writing as if things might so exist; this is one of the senses in which he uses 'things in themselves'); (*b*) that space is not a qualification of objects of thought, as such (Kant would say that it was a qualification of all objects of *knowledge*, because only what can possibly be perceived can be known), nor, in particular, (*c*) of the mind or ego, from whose synthetic action space results.[1]

87. So far Kant's doctrine seems irrefragable. It is the logical result of the failure of Hume's attempt to treat space as an aggregate of feelings. The rejoinder will be, 'It is neither an aggregate of feelings, nor a relation between felt objects constituted by thought, but an attribute of that matter which causes our feelings, and is revealed through them.' We are quite agreed that it is an attribute of matter, but what and whence is matter? 'Unknown; we only know that it produces effects in the way of feeling.' But, if it is unknown, you are talking nonsense in saying that it produces these effects, and in saying that space is an attribute of it you have in effect said nothing. We say that this mystery about matter is a mystery of your own making. Matter is a congeries of relations constituted by thought; resulting from the presence of thought (a thinking subject) to feelings, of which relations the simplest is space. 'How can that be, when thought is a result of matter?' But you have just said that matter is the unknown, as, in abstraction from all relations which can be shown to be creations of thought out of feelings, it undoubtedly is. Which, then, is more rational? To try to explain thought as a result of matter which cannot be

[1] H. Spencer says that, according to Kant, 'space and time are *conditions of the ego*.'

known, or matter as a result of thought which is known? Your objection to the latter course is really due to the fact that our individual intelligence is gradually developed, and presupposes a world, of which matter is one condition among others, as determining its development. This, however, is no ground for supposing this world to be one in which thought is not (which is what it is apart from thought), which in fact is to make it simply the negation of intelligibility, but only for holding that there is a complete subject-object, a complete intelligence including its own object, on which our intelligence depends.

88. The possibility of space, then, presupposes that presence of thought to, and action upon, sense, which constitutes sensible objects other than, but determined by relation to, each other; and space consists in a particular mode of this relation, this otherness; a particular mode of the relation which does not obtain between all, even sensible, objects, not e.g. between sounds. (One may represent to oneself the distinction between two sounds as an interval of space, but this is *κατὰ μεταφοράν*; one sound is not outside the other, as one visible object is outside another.) Then this relation between objects (relation of mutual limitation) is itself considered as an object; or, to put it otherwise, the objects which it qualifies are considered as having no other qualification than that which they derive from the qualification. The possibility of so considering them arises from the primariness of the relation. Being the condition of all perceivable objects, it can be supposed present without any other conditions, but none other without it. We thus get mere spaces, and space as the aggregate of such.

89. Of space in this sense it is true enough to say that it is an abstraction, in the sense that it is an object constituted by separation of one relation by which real objects are determined from all other relations. But we cannot abstract what is not there to be abstracted. Space, as a relation of the kind described, is not an abstraction, but abstraction of this relation from all others yields the object called pure space. It is a mistake, however, to suppose that abstract space (or our abstract idea of space) is an abstraction from sensitive experience, for that which is thus abstracted from experience (separated from other conditions of experience) is only in experience just so far as experience

is not merely sensitive. When Kant speaks of space as a condition of experience, he means space as a relation, not space as an abstract object. He represented this conversion of space as a relation into space as an object, by saying that space was not merely a form of intuition, but itself an intuition.

90. An object considered simply under the relation of externality (mutual limitation) to other objects all about it is space in three dimensions: the relation of two such spaces to each other constitutes surface; of two surfaces to each other, the line; of two lines to each other, the point. Then arises a science of which the materials or objects consist simply in the various forms of this abstraction of the limit; a science which, assuming the mere point, mere line, mere surface, proceeds by putting them together to find new figures with new properties.

A point is the simplest or most abstract form of the limit—the relation between spaces not considered as itself a space. (Thus considered, it has no parts. Considered, not as the mere limit between lines, but as a component part of a line, it must itself, like every *quantum*, have parts.) A straight line, as 'lying evenly between its extreme points' and having surfaces on each side of it exactly alike (not one convex, the other concave), is the simplest or most abstract form of limit between surfaces, in the construction of which nothing is assumed but points. A plane is the simplest form of limit between solids. All sorts of angles may then be formed by combination of such lines. All sorts of lines not straight, and not resoluble into lines at an angle with each other (curves), may be drawn, varying according to the mutual relations of straight lines drawn from points through which the line passes to a given point. In this nothing is taken for granted but points, straight lines, and the possibility of drawing a curved line. All sorts of plane figures may be formed by combining lines under various relations to each other.

All varieties of figure are varieties of mere boundary or limit. The curved line differs from the straight in virtue of the different way in which it bounds the surfaces between which it is the boundary. The differences of angles consist in different relations of boundaries, of lines having no properties but as boundaries. All these figures are formed out of a material (constituents) purely ideal, or having no

sensible attributes, since it is obtained by detachment and substantiation of a relation constituted by the action of thought upon sense,—detachment of that element in perception which is not sensation (the non-sensuous element in sensibility).

91. Ideal figures thus constructed (in the definitions), geometrical science inquires into their properties, i.e. into their relations in the way of quantity to each other. This implies the assumption of the idea of quantity—of wholes related to each other as greater, equal, and less in virtue of the sums of their parts, increasing with addition and diminishing with subtraction of parts. The statement of this idea forms the first axioms of Euclid. The 'proper axioms' seem to me inseparable from, or given in, the performance of the mental act represented by the definitions of the objects to which they relate. One cannot draw a straight line according to the definition without seeing that there can only be one such. Put the definition in the form 'a straight line is the shortest between two points,' and the axiom (which = 'there is only one shortest way') is explicitly involved in the definition. In like manner, since there is only one way of being equal, though infinite ways of being greater or less (the relation of equality is always one, while the relations of greater and less are infinitely various), the angles formed as the definition states right angles to be, viz. by one line falling on another in such a way as to make the adjacent angles equal, must always be equal to each other. (Given the definition, and the conception of equality which it involves, the axiom is involved too.) The third axiom, as Whewell states it,[1] seems the direct negative consequence of the definition of parallel straight lines. The definition is, 'Parallel straight lines are such as are in the same plane, and which, being produced ever so far both ways, do not meet.' The axiom, as Whewell says it may be stated, is, 'Two straight lines which cut one another are not both of them parallel to a third straight line.' This is involved in the definition thus. The immediate consequence of the definition is that 'lines which anywhere meet are not parallel'; therefore lines which anywhere cut each other are not parallel to each other; therefore not to a third straight line.

[1] *History of Scientific Ideas*, b. i., p. 100.

92. Geometry rests on definitions, i.e. on certain mental acts, the performance of which the definitions represent. These definitions differ (*a*) from analyses of the connotation of general names, (*b*) from those definitions of the sciences which represent a certain stage of discovery, in being fixed and final. Kant was quite right in saying that the judgment 'a straight line is the shortest way between two points' is synthetic and *a priori*, in the sense that it is not analytical of a conception previously formed ('a nominal essence'), and that it does not mean 'has always been found to be so, and is expected always to be found so.' It represents an act of mental construction, the result of which no experience can modify (thus is true *a priori*); but, inasmuch as it presupposes detachment from concrete objects of the relation of limitation, it may from that point of view be reckoned analytical.

When Kant says[1] that 'intuition must lend its aid' in order to the possibility of the judgment 'a straight line is the shortest way between two points,' he means that we must mentally draw the line; present in intuition something corresponding to the conception of a straight line as a *quantum*.[2] 'Intuition,' according to him, is necessary to all synthetical judgments, all judgments that extend knowledge. Having a conception of gold, for instance, through an empirical intuition corresponding to it I arrive at the synthetic judgment that gold is soluble in *aqua regia*. But because the intuition in this case is 'empirical,' not 'pure'—because it occurs under conditions which I cannot command or completely know—a universal and necessary judgment cannot be founded on it. On the other hand, when I draw a line, the intuition is my own making, and is made in virtue of the condition of sensibility which determines all possible objects of experience. The judgment which it yields, therefore, is valid for all possible objects of experience.

93. All that Mill's objection to the doctrine that geometry rests on definitions really amounts to is this, that it does not depend on the use of any particular name. It would be just the same if e.g. what we call a circle, in the strict mathematical sense, were called something else. This

[1] *Krit. d. r. V.*, Introduction, v.
[2] *Ib.* pp. 478 and 481–2 (ed. Hartenstein), pp. 435 and 439, *Tr.*

is obvious enough. The science depends on the ideal drawing of the figures. But why object to call such ideal drawing definition? There is no reason except the notion that definition merely has to do with names, a notion which he openly departs from in regard to scientific definitions, and which he renders unmeaning by the admission (I. viii. § 5) that every definition implies the 'postulate' either of an idea or a thing corresponding to the definition.

94. Given definitions and axioms, propositions about the properties (quantitative relations) of the figures are obtained by constructions which enable us to compare immediately as wholes, or remainders of equals or unequals, lines and angles which we cannot compare directly. Characteristic of the process is that, a singular proposition having been arrived at, as the result, say, of a mediate comparison which a certain construction has enabled us to make of *this* square on the hypotenuse with *these* squares on the containing sides, it is forthwith converted into a general proposition, so that in other demonstrations every figure which can be represented as the square on the hypotenuse is taken to be equal to any two other figures which can be represented as squares on the containing sides.

Observe the way in which the fifth proposition of Euclid is arrived at. The proposition that triangles having two sides and the contained angle equal are equal altogether, is obtained by simple superposition of one such triangle on another, under the condition that the straight lines forming the bases of the two triangles are such as have been constructed according to the definition of straight lines (each is the shortest way between two coincident points). Then by means of a certain construction the isosceles triangle is included in two triangles, which must, according to the previous proposition, be equal, because they are formed by equal additions to its equal sides, and its contained angle is common to both. Thus included, the angles at its base become remainders of equal angles, from which angles, shown by means of the same construction and application of proposition 4 to be themselves equal, have been subtracted. In this process observe that though the 'proof' may be thrown into a series of syllogisms, in each of which either proposition 4 or one of the axioms of quantity is a major premiss, under which a particular instance is brought in the

minor, yet these syllogisms would not enable us to take one step towards the proposition demonstrated but for the construction, in which this single isosceles is included in these two several triangles. 'We are certain, however, that this isosceles can be taken to stand for all, these triangles for all triangles in which an isosceles can be included in the same way.' True, but we are only entitled to this certainty because these triangles, being made by ourselves out of elements obtained by abstraction of that which is the condition of all possible outer sense, are not liable to modification by other conditions. A proposition about them true once is true always, because it is not liable to modification by new experience.

95. If the proposition that the square on this hypotenuse = the squares on these containing sides, which is what is alone proved by the demonstration, represented a sensible event now happening, and if the propositions involved in the demonstration represented sensible events of which we only know that they have happened, the certainty could not go beyond the 'bare instance.' We should be no more entitled to take it as universally true than on the strength of an occurrence today to assume that the like will always occur again. If, on the other hand, the propositions on which the demonstration rests were analyses of what we agree to understand by general names, the science could never take a step in advance—never could reach an 'instructive proposition.' Nothing more could be stated by the 47th proposition of Euclid than was already involved in the definitions. The progress of the science depends on the constant mental construction of new single figures, each of which yields a new singular proposition, and each such singular proposition, since the figure to which it relates is subject to no conditions other than those which the mind gives in the act of construction, is equivalent to a universal. If one precisely knew all the conditions of a natural event, one would be entitled to say not merely (in singular form), this event now follows on these, but, universally, such an event always follows on these conditions. Where the 'method of difference' can be perfectly applied, this universal conclusion from a single instance is drawn. Now the figures between which the geometrician demonstrates equality, as well as the figures (lines and angles) by intervention of which the de-

monstration is effected, having no properties but what the geometrician has either given them in his definitions, or demonstrated of them without employing any but defined figures, are exhaustively known. Therefore the proposition stating the equality is not liable to modification through discovery of previously unknown conditions, as a proposition stating a relation between a natural event and its conditions is, and it can at once take universal form.

96. We can now see what is to be understood by 'mathematical necessity.' It arises from the primariness and simplicity of the mental acts constituting those relations, by detachment of which from all other conditions of the objects qualified by them the mathematician obtains his materials. These are mere 'otherness,' and 'otherness' as outwardness or space. Detachment of the relation of 'otherness' yields objects having no quality except what is given by this relation, i.e. mere units, combination of which is the act of counting, and results in the notion of a whole made up of homogeneous parts. Such 'necessary truths' as $2+2=4$ represent the mere act of counting. The first nine axioms in Euclid represent the analysis of the conception of a whole.

The definitions of geometry, as we have seen, represent mental acts, something which we make, not which we find. These are *not* necessary in the sense that we cannot help performing them. Most men never perform them, never present to themselves a straight line or circle according to the definitions. They *are* necessary in this sense, viz. that mutual limitation is the condition of all perceivable objects, that it is by detachment of this necessary condition that we are able to present to ourselves mere limit in the form of surface, line, and point, and that all definitions (or constructions which they represent) are formed out of the material yielded by abstraction of this necessary condition of experience. Other geometrical propositions are necessary because the objects to which they relate are subject to no conditions but those stated in the definitions, and thus what has been ascertained of such an object in a single instance may be taken for granted without possibility of error in all subsequent demonstrations.

The distinction, then, of the 'necessity' of mathematical truths from the 'contingency' of truths about nature, if it

is to hold at all, is not to be understood as if it were only in mathematics, and not in natural science, that what is once true must be always true, or as if natural laws were liable to change, mathematical laws not. The true distinction is between what is fully true and what is partially true. What is fully true once is fully true always, of a natural phænomenon no less than of a geometrical figure; but any proposition about a natural phænomenon is true of it only under conditions of which we do not know all, while a proposition about a geometrical figure, if true at all, is true of it under conditions which we completely know.

97. The doctrine thus stated is not to be confused with the doctrine that the propositions of geometry are only *hypothetically* true, i.e. true on the assumption that there are objects corresponding to our definitions, which *really* there are not; that, e.g., there are really no straight lines of which it is true that they can nowhere meet, no curved line at every point equidistant from a central point, but only lines which, as far as the eye can follow them, have so little tendency to meet that we can assume them never to do so without serious discrepancy between reasoning founded on this assumption and the reality, and so with the circle. This doctrine results from the notion that the real = the sensible. As there are no visible lines of which we can be sure that with indefinite extension of our powers of vision we should nowhere see them meet, it is at least an assumption that there are such. But the source of this view is one which logically excludes geometrical propositions altogether, no less as hypothetically than as really true, the view, viz. that whatever exists really or in the mind must be either a sensation stronger or fainter, or a collection of sensations, or a relation between sensations arising out of the nature of the sensations related, or a 'propensity.' Of none of these can geometrical propositions be considered true by any amount of hypothesis. It is not that they are partly untrue, but that they are wholly unmeaning in regard to them. The reason why people do not see this is that they allow themselves to talk of 'sensible objects' without asking themselves what exactly they mean by this. If they did, they would see that so far as geometrical propositions relate to sensible objects at all, it is in virtue of that in the sensible object which is not properly seen or felt, is not a sensation

of sight or touch, at all. It is impossible to hold that real lines are sensations, stronger or more faint; but people continue to suppose them sensible, so that a line is what I see or feel it to be, and what I see it to be does not precisely correspond to the definition. The answer is, that what I properly see it to be has no relation whatever to the definition; it is not a question of more or less precise correspondence, but of any correspondence. What I see is colour (or light), but line is not a colour nor a relation between colours. To make sense you have to say that it is a relation between coloured surfaces, but it is not as coloured that the surfaces are thus related, for the colours may be changed in any way you please, while that relation between the surfaces which constitutes the line remains the same. It is only by taking 'sight' to express an act of intellectual combination exercised on materials which are given by sense, but which in virtue of this act become quite different from what they are merely as feelings, that we can be said to see bodies. The idea of the line is obtained by the detachment of a purely intellectual element, a mere relation, involved in this 'sight' of bodies. This intellectual element, this mere relation, *is* the real line; and in geometry nothing is assumed to be true about it which is not really true. The notion to the contrary arises from supposing that the real line is a black stroke drawn on paper, or some boundary which I see and feel between objects, of which I have reason to think that with a sufficient magnifying glass I should see that it had breadth as well as length, that it was not perfectly straight, &c. The truth is the other way. The real line is the line made by thought and corresponding to the definition; the seen line is only a line at all so far as the thought of this line is superinduced on the sensation of colour.

In one sense, indeed, geometry is hypothetical; not as supposing lines to be straight when really they are not, or points through which a circumference passes to be equidistant from the centre when really they are not, but as supposing the condition of mutual limitation to be apart from other conditions. The limitation is real, and the definitions really represent various forms of it, but it is not really the sole condition of anything. There are no mere spaces as geometry supposes, but other conditions present along with that of space do not alter it.

G. *TIME.*

98. TIME is the relation in virtue of which an object is qualified as having other objects severally before and after it; as beginning upon the cessation of something else, and ceasing upon the beginning of something else; as an event. 'This,' it will be said, 'is a bad definition, because in the terms 'before,' 'after,' &c. you assume that which is to be defined.' The answer is the same as in regard to space.[1] Time being a primary relation, its nature cannot be stated except in a way which implies that objects, between which the relation obtains, are already qualified by it, since they need have no other qualification save that which this relation constitutes.

It is a relation, then, which implies (1) a manifold, or 'otherness,' (2) a vanishing manifold, of which (3) the vanishing moments are determined by a subject equally present to them all, and qualifying one by relation to the others. In (2) lies its distinction from space. (1) and (3) form the common element which renders objects related in the way of time equally numerable, equally capable of being treated as *quanta*, with objects related in the way of space.

99. Kant calls time, in distinction from space, the form of 'inner' sense. This seems a mistake. 'Inner' and 'outer' are correlative terms, each implying determination by the relation of space. They are merely two sides of the same boundary: cross it, and to anything now in the 'outer' what was before the 'inner' becomes 'outer.' 'Inner sense' [as ordinarily understood] has derived its meaning from the notion that the soul is inside the body, and that one sort of consciousness is produced by or through the body, another sort produced by the soul for itself. The latter is accordingly spoken of as an 'inner sense,' the former as 'outer.' This is the ground of Locke's distinction between 'ideas of sen-

[1] [Above, sec. 86.]

sation' and 'ideas of reflection.' But this distinction is (*a*) untenable in itself, and (*b*) cannot be made to answer to the distinction between objects conditioned by the relation of space, and those conditioned by the relation of time. (*a*). Because that to which body is 'external' is qualified by this relation, and is itself from another point of view external to that which is external to it. The figure of the soul as enclosed within the body, like a box within a box, is the crudest possible; but if it be admitted, to each part of the outer box the inner box is external. The only externality is of body to body (or of space to space), not of body to mind; while it is *for* the mind that the relation of body to body exists. Again, the distinction between perception as produced from without, and memory or imagination as produced from within, is untenable. A modification of the nervous organism is involved in both cases. If it is on account of such modification that perception is ascribed to outer sense, memory and imagination must be so too. 'No,' it may be said, 'but it is owing to the difference between the exciting cause of the nervous modification in the two cases that perception is reckoned 'outer,' memory and imagination 'inner' sense; in the one case undulating particles of æther come in contact with the extremities of the optic nerve, in the other not.' It is not, however, such contact that is the object of perception, and besides, though there is a difference between the exciting causes in the two cases, it can only be rightly described as a difference between an inner and an outer cause on the supposition that the exciting cause in the case of memory and imagination is mind, and that mind is inside body. Neither supposition will hold. It (probably) is not mind that excites the nervous modification involved in the act of memory or imagination, but some prior modification or action of the brain. Without the action of mind in the proper sense (the thinking subject), it is true, no object would be imagined or remembered on the occasion of such modification; but no more without such action would an object be perceived on the occasion of an irritation of the optic nerve.

If we still try to make out that the distinction between outer and inner sense lies in the difference of the exciting cause, whether the difference can properly be called one between 'outer' and 'inner' or no, we must ask ourselves

whether or no the distinction intended is one between that of which the subject is conscious when the presentation is ascribed to 'inner sense' and that of which he is conscious when it is ascribed to 'outer': if it is, the difference in the physical exciting cause of consciousness will not correspond to it, for that of which the subject is conscious in any case is not the physical exciting cause of his consciousness.

100. (*b*). 'But,' it may be said, 'the perceived object (which is quite different from the cause of sensation) is external to other bodies and to my body, and for that reason perception is referred to outer sense, memory and imagination not.' Nay, objects remembered as having been perceived, or imagined as possibly perceivable, are external in the same sense as perceived objects. They are presented as in space, outside other objects.[1] On the other hand, there are 'modes of consciousness,' which as implying an external exciting cause (of which 'we cannot make one for ourselves') are on the same footing as perceptions, and thus should be subject to the conditions of space, but which are not in space, e.g. sounds and pains.[2] The relation of one sound to another is not a relation in space. Sounds, no doubt, are habitually referred to objects in space, but the objects in most cases of such reference are remembered or imagined, and thus, according to Locke's distinction, are objects of inner sense. It must be sounds simply as heard with the consciousness of their relation (as when we are listening to a piece of music) that are objects of outer sense according to Locke's distinction, and as such they are *not* subject to the form of outer sense, i.e. space, according to Kant's distinction.

101. So far, then, we have shown that the ordinary distinction between outer and inner sense is untenable, and does not match Kant's. If now we adopt Kant's basis of distinction, which will require us to ascribe most objects of memory and imagination to outer sense, and many of Locke's 'ideas of sensation' to inner sense, the objection still remains (*a*) that the terms 'outer' and 'inner' are alike applicable only to objects in space, and alike inapplicable to a function of thought,

[1] If you explain the externality of the perceived object as the *inferred possibility of touching it*, then the perceived object is external in a way in which an object imagined or remembered is not; but the weakness of this explanation is that there is just as much difficulty about identifying a feeling of touch with the outward as a feeling of colour.

[2] These would belong to 'outer sense,' according to Locke's meaning (Essay, II. i. 14; II. ix. 6. Cf. *General Introduction to Hume*, vol. i. p. 80, note), not according to Kant's.

as much to that which constitutes the relation of space as to that which constitutes the relation of time, and (*b*) that, as Kant himself admits, objects of outer sense are, just so far as sensible, subject to the form of inner sense.

'Time,' says Kant,[1] 'is the formal condition *a priori* of all phænomena whatsoever. Space, as the pure form of external intuition, is limited as a condition *a priori* to external phænomena alone. On the other hand, because all representations, whether they have or have not external things for their objects, still in themselves, as determinations of the mind, belong to our internal state; and because this internal state is subject to the formal condition of the internal intuition, that is, to time; time is the condition *a priori* of all phænomena whatever, the *immediate* condition of all internal, and thereby the *mediate* condition of all external, phænomena.'

The difficulty is that 'formal condition of all phænomena whatever' is incompatible with 'condition of all external phænomena.' In order to be in space, in order to limit each other, phænomena must be coexistent, not successive. 'Phænomena' cannot be used in the same sense when qualified by the term 'internal' as when qualified by the term 'external.' If time is the condition of all phænomena, what is there in an external phænomenon over and above its phænomenality that time should only be its condition mediately, and how is this condition any more reconcileable with the spatial condition of external phænomena, for being merely 'mediate'? When Kant speaks of space as the form of outer, time of inner, sense, he is understood to mean that there is a distinction between outer and inner sense independently of that which these forms severally constitute. In the sentence 'space, as the pure form, &c.,' if for 'external' we substitute 'in space,' we get a mere tautology. He appeals, in effect, to a supposed knowledge of what 'external phænomena' means, in order to explain the statement that space, not time, is their condition *qua* 'external.' The question then arises, To phænomena, as such, has the distinction of inner and outer any application? What phænomena are outer, what inner? Clearly to sensations as such, i.e. to sensations as they are for a merely sensitive consciousness, the distinction cannot apply. They are neither inner nor outer, because such consciousness, having no conception of subject or object,

[1] *Krit. d. r. V*, p. 67; *Tr.* p. 30.

could not refer sensations to either. Can the distinction, then, be made to correspond to that between sensation and perception? Is feeling inner sense, perception outer? We have seen that sensation as such is neither inner nor outer, nor could it be held that the sensation of colour was inner, the perception of a coloured object outer; but if by 'feeling' is meant a datum of consciousness which a thinking subject regards as a modification of itself in distinction from one which it regards as representing the quality of an object, and which is called a 'perception,' then this distinction may properly be called that between outer and inner sense, though the source of the distinction would have still to be explained. It clearly is not a distinction which originates in phænomena as phænomena, or in their relation to sense. It arises out of an intellectual interpretation of phænomena, an interpretation by the thinking principle that yields alike the 'transcendental object' and the 'transcendental subject.' It remains to be seen whether, understanding outer and inner sense in this way, i.e. as a distinction between the consciousness of objects as given (whether perceived or remembered, whether given through the senses of sight and touch on the one side, or those of hearing and smelling on the other) and the consciousness of changes in my state, there is any propriety in calling space the form of outer, time that of inner sense.

102. Time, then, is the form of a relation between all feelings as attended to, as converted by the presence of thought into felt objects determined by mutual relation. Mere feelings, i.e. feelings as they are for a merely feeling subject, are not so determined, and thus are not in time at all. Thus all felt objects, as such (as feelings objectified or attended to), are in time or successive, and thus are *not* in space or coexistent. They are only in space so far as by a further act of thought they are taken out of this relation of succession, which is the primary condition of sensibility, and held together as relatively permanent, as one lasting as long as the other. This further act has to be performed in order to the seeing and touching of objects, and goes to constitute perception; it has not to be performed in order to the hearing of them. What happens in ordinary cases of seeing an object is, that certain sensations recall a conception already formed, and it is impossible to say how little combination of sensations

there need be in order to such recollection. But in the case of seeing an object for the first time, unlike anything already conceived, I should have successively to attend to sundry sensations, and over and above this to hold together these successively felt objects in juxtaposition as parts of a space. In listening to music, though there is a synthesis of sensations by thought, it is not a synthesis of this sort, but one in which the sensations, though determined by relation to each other, remain successive.

By detachment of the relation of time or succession, or by considering objects as merely qualified by it in exclusion of all other relations, we get mere time as an object, which, for the reasons above given, may be treated as a *quantum*. The idea of number is not really derived from that of time; it must have been got by abstraction (as explained above) of the relation of otherness, before time could be regarded as a quantity, before moments could be counted, as they must be in order to afford the appearance of being the source from which the abstraction of number is derived.

H. *DEMONSTRATION AND NECESSARY TRUTH.*

[Mill, Book II., Chapters V., VI., VII.]

103. 'The points, lines, circles, and squares, which any one has in his mind, are (I apprehend) simply copies of the points, lines, circles, and squares which he has known in his experience.'[1] So far a clear-headed Kantist would quite agree with Mill, except that for 'copies of' he would rather say 'identical with,' and for 'has known' 'knows.' He could not hold, as Mill supposes certain nameless persons to do, that geometry has 'nothing to do with outward experience,' for his doctrine is that geometry has to do just with that condition of experience which renders it an outward experience. The real question is, not whether or no geometry 'has to do with outward experience,' but (*a*) what is that in experience from which the primary truths of geometry are derived, and (*b*) how they are derived from it. If, as appears from certain passages, Mill's answer to (*a*) is 'sensation,' and to (*b*) 'generalisation' (as a process by which, having frequently observed a 'relation between phænomena,' we come to assert it universally), then on each of these points he is at direct issue with the Kantist, whose answer to (*a*) is, not 'sensation,' but a relation by which sensations are determined in becoming perception, but which is constituted by the intellect; and to (*b*), not 'generalisation' in the sense described (a process which can only result in a habit of expecting one sensible event on the appearance of another with which it has been constantly associated, a habit with which mathematical certainty has nothing in common), but a detachment and reduction to its simplest expression of the above-mentioned relation, a detachment which yields propositions as certain upon the first apprehension of the objects to which they relate, as they can become upon repeated apprehension.

For Mill's answer to (*a*) and (*b*) see the passages in

[1] *Mill*, Book II. chap. v. sec. 1.

Book II, chapter v, §§ 1, 4, 5, and 6.[1] These can only be taken to mean that a straight line is a sensation or collection of sensations, that we have repeatedly seen or felt two such lines not enclosing a space, and that in consequence by generalisation we conclude that they never do or can enclose a space. In like manner, that a curved line is a sensation or collection of sensations, and that having repeatedly seen such a line, when so drawn as to be at every point equidistant from a certain point, returning into itself or enclosing a space, we infer that it always is so, and frame the proposition which stands as the definition of a circle. To the same purpose is the statement that a point is the *minimum visibile*, the smallest spot of colour that can be seen: a line, we must suppose, is the smallest strip of colour that can be seen.[2]

104. But then it appears (*ib.* § 1) that there neither exist, nor can be seen or felt or conceived, objects having such properties as the definitions state. How, then, can these be derived by generalisation from what exists, and is seen and felt? A generalisation is understood to be an inference to the uniform occurrence of what has occurred often and without exception (that Mill so understands it in this connection appears from his language (*ib.* § 4), 'experimental proof crowds in upon us in such endless profusion, and without one instance in which there can be even a suspicion of an exception to the rule, &c.'); but these generalisations would seem to be inferences to the uniform occurrence of what has never occurred.

[1] Especially, § 5, 'the exact resemblance of our ideas of form to the sensations which suggest them:' § 6, 'I have already called attention to the peculiar property of our impressions of form, that the ideas or mental images exactly resemble their prototypes, and adequately represent them for the purposes of scientific observation:' § 4, 'the proposition, Two straight lines cannot inclose a space . . . is an induction from the evidence of our senses:' § 1, 'nothing remains but to consider geometry as conversant with such lines, angles, and figures, as really exist; and the definitions must be regarded as some of our first and most obvious generalisations concerning those natural objects.'

[2] The true account is that the point is the understood limit between lines, the line the understood limit between surfaces. Only through interpretation, through the new character which it takes by means of this relation, does a spot of colour become a point, which, not consisting in the spot of colour, does not cease to exist when the spot of colour disappears. To call the point the *minimum visibile* is misleading in two ways: (1) it suggests the notion that sensation constitutes the point, (2) it implies that the point, as a *quantum* (*minimum* is a term of quantity), is not divisible; that the possible division of magnitudes ceases where visibility (with whatever eyes or instruments) ceases. In truth every *quantum* is divisible, since it is not a *quantum* unless made up of parts.

We have never seen two straight lines, having met, continuing to diverge, or a line, so drawn as to be at every point equidistant from a certain point, returning into itself, for we have never seen such lines at all. What basis have we, then, for the generalisation? (*a*) How do we get materials for making it, and how can it be made? (*b*) How can it apply to reality when it is made? Generalisation is a process by which from a multitude of similar singular judgments we pass to one universal judgment; from 'this and this and this man dies' to 'all men are mortal.' Now this is clearly not the process by which we arrive at any of the general propositions in Euclid that are said to be 'proven.' We have never observed the square on the hypotenuse to be equal to the squares on the containing sides before we take it as universally true. To answer (*a*) from Mill's point of view, it must be supposed that, seeing innumerable lines nearly straight, we in each case suppose them to be quite straight, and then generalise from these suppositions. In that case the generalisation, which according to Mill is 'faultless as a generalisation,' i.e. is perfectly warranted by the instances from which the inference is made, is not really from the 'evidence of the senses,' but from something which we habitually substitute for this: geometrical forms are not, as Mill says, 'copies of impressions,' but alterations of them. How is such substitution and alteration to be accounted for? How can I see a line to be nearly straight, if I have no prior idea of straightness? How is it that a mind, merely passive and receptive, having no antecedent conception of a straight line, nay (for so Mill says), unable to conceive it, yet habitually assumes such a line in place of that which it sees, as it must do if the definitions are to be explained as the result of generalisation? The difficulty is only evaded by saying that we get the objects from which we generalise the definitions by abstraction from what we see, i.e. by attending exclusively to some part of what we see. We cannot abstract what is not there to be abstracted. If straight lines are not in the things which we see, by no abstraction or exclusive attention can they be got out of them. In short, if we admit that the primary mathematical truths are got by generalisation, we are thrown back on a prior question as to abstraction. Is it a process by which we arrive at the primary propositions about straight lines and circles? If it

is, it must be supposed to be exclusive attention to certain qualities of a 'complex phænomenon.' But straightness, according to Mill, is not a quality of any line. Having the idea of a straight line we may no doubt, on seeing a line not quite straight (which implies this idea), make abstraction of its imperfection and regard it as straight; but this does not explain how we came by the idea of a straight line. In truth there is no more difficulty about seeing a straight line than about seeing a line, or rather there is less.[1] A straight line is constituted by the simplest form of that intellectual act which is necessary to 'seeing' any line whatever.

105. As to (*b*), Mill says that in applying to the real world conclusions derived from any set of geometrical propositions, we correct them by a 'fresh set' of propositions. But the 'fresh set' is either one derived from the same unreal assumption (in which case it is not easy to see how one fiction should be corrected into truth by another fiction), or else 'relates to physical and chemical properties of the material,' in which case the correction does not imply that such and such a geometrical figure does not 'really exist' or has not the properties which geometry asserts of it, but merely that there are physical and chemical conditions which prevent any given material from retaining such a figure. In other words, the hypothesis which it corrects is not that there are geometrical figures which really there are not, but that things are subject to geometrical conditions only (which, as we have seen, is the true account of the geometrical hypothesis). And this is the way in which Mill himself states the matter at the end of § 2 of Chapter V,[2] without seeing that it is quite a different account from that which he has previously given, according to which straightness is not a property of any lines whatever, or circularness (as defined) of any curves whatever.[3]

[1] Do we see straight lines and circles, according to Euclid's account of them? Do such straight lines and circles really exist? In whatever sense we see lines, we see straight lines; in whatever sense lines really exist, straight lines do so.

[2] 'If the hypothesis merely divests a real object of some portion of its properties, without clothing it in false ones, the conclusions will always express, under known liability to correction, actual truth.'

[3] According to Mill, mathematical truths are 'approximately true' of nature or reality. What does this mean? When we say that a generalisation is approximately true, we mean that it is true in most cases, but not in all. But a mathematical definition, says Mill, 'is not exactly true in any case.' But it is 'nearly true' in all. Yes, but the transition from the nearly true to the exactly true is just the difficulty. That so and so is nearly

106. Mill, taking advantage of Whewell's misleading statement that 'intuition'='imaginary looking,' opposes to the view that mathematical truths are known by such intuition his own view that they are known by 'experience' or 'real looking.'[1] But how can this be when, according to him, we never see, and there really are not, figures corresponding to the definitions?[2] As against Whewell he is quite right on this point.[3] If they are not known by real or sensuous looking, they will scarcely be known by 'imaginary,' which is only reproduction of the 'real' looking. In whatever sense they are known by 'imaginary,' they are known also by 'real,' looking. In truth they are known by an act of intellectual synthesis, involved alike in 'real' and 'imaginary' looking, and (in their 'purity') by detachment from sensible conditions of the element which this act constitutes in all looking. The question whether we can imagine a surface without colour, or length without breadth, &c. is very unprofitable. We can think of surface without colour, and mere surface represents a certain condition of reality in abstraction.

'Dr. Whewell' (says Mill) 'thinks it unreasonable to contend that we know by experience that our idea of a line exactly resembles a real line. "It does not appear," he says, "how we can compare our ideas with the realities, since we know the realities only by our ideas." We know the reali-

true, must mean either that it is so in the majority of cases (it is not so with the circle), or that it would be true but for qualifying circumstances. Mill would say that the latter is the case with the definition of a circle. If so, there is such a thing as a circle according to the definition, and we have a notion of it, only it is always *de facto* qualified by something else. Mathematical figures, then, are in what we experience. If so, there is an element in our experience which is not feeling, immediate or reproduced, and which can be separated from all other elements, though never constituting a separate impression.

[1] Book II. chap. v. sec. 5.

[2] According to Mill (*ib.* sec. 5), axioms about straight lines (as well as axioms of quantity) are 'true without any mixture of hypothesis.' How can this be when straight lines only exist by hypothesis?

[3] With Kant 'intuition' is not 'imaginary looking.' It includes imagination, but also perception; and space being the form of the one as well as of the other, the properties which geometry predicates of space apply equally to perceived and to imagined objects. Kant, however, does identify 'pure' (or non-sensuous) intuition, which is employed in geometry, with 'pure imagination,' but then this is imagination without the essential characteristic of imagination, viz. reproductiveness. For Kant's 'pure intuition' as exercised in geometry, it would be better to substitute 'conception of the pure element in intuition.' It is important to notice, however, that with Kant 'intuition' carries no antithesis to what Mill reckons experience of real objects. What Mill says that we 'see,' Kant says that we 'intuite,' and that this intuition, though involving sensation, involves a 'pure' element as well.

ties (I conceive) by our eyes. Dr. Whewell surely does not hold the "doctrine of perception by means of ideas," which Reid gave himself so much trouble to refute.'[1] Whewell would have been quite right if he had said that the supposed comparison is absurd, since the idea is the reality,—since it would be a comparison of what remains in the mind from reality with what the mind has put into reality, or has added to sensation in order that it may become reality. To compare the idea of a line as expressed by the definition with a sensation of colour, is nonsense; to compare it with the boundary of a coloured surface is to compare it with itself. It would be easy to retort on Mill that, according to him, we do not know the realities in question (mathematical figures) at all. He would be quite right, however, in saying that we know them 'by our eyes' just as much as by 'imagination.' The 'doctrine of perception by means of ideas,' which he refers to as refuted by Reid, is the doctrine of 'representative ideas'; the doctrine that we cannot perceive material things in themselves, since 'mind' and 'matter' are wholly alien to each other, but that we perceive 'ideas' of them, a *tertium quid* which is neither matter nor mind. Something very like this was held by Locke. 'Idea' (according to him) is the immediate object of the mind in perception and thinking. Some 'ideas' are copies of qualities of matter, others are effects, though not copies, of such qualities. Mill himself is by no means free from it. It is implied in all language which speaks of us as knowing things through sensation, and describes sensations as impressions made by external matter. It never can be entirely got rid of save by the recognition of 'matter' as a congeries of relations constituted by thought. When Whewell talks of a 'reality known only by our ideas,' he is obscurely thinking of matter in this way. The worst of him is that he is still hampered by the notion that there is one sort of reality known by our 'ideas,' another by our 'eyes.'

107. The assertion of the reality of space, of space qualified according to geometrical definitions, is not to be understood as if space were absolute, fixed and final, a property of things standing over and against the spirit. As we have seen, it is a relation which thought constitutes, and one which is the negation of another equally necessary relation, that of

[1] II. v. sec. 5, note.

time, and which itself carries with it the negation of itself, since objects outside each other (or in space) are yet not outside each other, since each (by its outsideness) makes the other what it is. 'Body cannot act where it is not,' yet it determines that which is where it is not by simply not being there. Mill thinks that whereas physicists were long misled by the supposed inconceivability of a body acting where it is not, they have now found out that it does act where it is not, which shows that the 'inconceivable' may become conceivable, and merely means that which has not yet been discovered. But in truth the doctrine in question, though perfectly true in itself, carried with it its own negation. The whole truth consists of it and its negation. It represents the abstract view of space, i.e. the consideration of one object merely as outside the other, without the complementary view, that of the external objects each by its outsideness makes the other what it is, and is thus not outside it. Body 'cannot act where it is not,' but it is where it is not.

108. All general truths are necessary truths; only the whole of truth is truth of which the negation is inconceivable. It is misleading to oppose 'necessary truths' and 'truths of experience.' There are no truths which 'rest on evidence of a higher and more cogent description than any which experience can afford,'[1] according to the right view of 'experience.' When Kant said that mathematical truths, being necessary, could not be derived from experience, he meant (in effect) experience as Locke understood it. He meant that they were not the result of generalisation as the process by which, from observation that two phænomena often and without exception accompany or follow each other, we arrive at the judgment that they always do and will. This is what Mill himself generally understands by the derivation of mathematical truths from experience. It is a process which, as Locke and Hume were quite aware, can only yield a habit of expectation, of various degrees of strength, and can as little explain the certainty of a judgment founded on a crucial experiment in physics as it can that of a mathematical proposition. No general truths about nature are really got in this way. They are not summaries of events which have happened very often, and are so far likely to happen again. According to Mill's own

[1] *Mill*, II. v. sec. 6.

account, they are got by the analysis, according to the 'inductive methods,' of an experience regulated by the conception of the uniformity of nature. If they were summaries of events which have happened very often, and are so far likely to happen again, they might cease to be true any day. A feeling might occur in a sequence in which it has not previously occurred, and thus the proposition previously taken to be true might have to be reversed. But such summaries are not general truths at all. Just so far as propositions about nature are general and true at all, they are necessarily true. They represent the relation of a phænomenon to its conditions, and this relation, on the principle that the world is one (a principle without which there is no knowledge at all), cannot vary. If the relation of the phænomenon to its conditions is misapprehended, if the supposed conditions of the phænomenon are not really conditions of it, then the propositions in question are not true. The case is different when the supposed conditions of a phænomenon are really conditions of it, but are subject to modifying conditions. In this case it may properly be said that the corresponding judgment is 'nearly true.' Most scientific judgments, I suppose, are of this sort; and just so far as they are true, they are necessary. The right account of the matter is not, that the phænomenon *is* but *might not be* dependent on the known conditions, but that it is dependent on known conditions in conjunction with others still unknown, an alteration in which, apart from any alteration in the known, might produce a different phænomenon. The qualification of the necessity of the judgment is also a qualification of its truth.

The distinction of mathematical propositions from these propositions about nature, which are 'nearly true,' arises from the fact that the properties of space are not dependent on other conditions, as the conditions to which a phænomenon is referred in a scientific judgment which is 'nearly true' depend on other conditions. The possession (say) of circular figure by any particular body at any particular time depends of course on most complex conditions, but a circle may be a circle without having any properties but those which depend on its circularity. Hence there is no place for 'approximate truths' in geometry.

109. To say that a general proposition is true, and to say that its contradictory is inconceivable, are one and the

same thing. The moment I conceive the general proposition as true, I cease to be able to conceive its contradictory as true. Whewell is quite right in saying that, the law of chemical combination in definite proportions once being conceived to be true, its contradiction becomes inconceivable. The contradictory would be conceivable only if the law were not conceived as wholly true. Given any proposition conceived as wholly (unconditionally) true, you cannot conceive its contradictory to be true consistently with that idea of the unity of the world without which no proposition could be conceived to be really either true or untrue. The proposition in question is, I suppose, conceived as wholly true, because the chemical elements are considered ultimate, and thus not subject to any further conditions which could account for a variation in the proportions in which they combine. If the combination of these elements should be found to depend on any ulterior cause, then a variation in the proportions in which they combine, if it could be accounted for as the result of this cause, would be compatible with that unity of the world which is the condition of knowledge, i.e. it would no longer be a matter of chance. It is not variation, but unaccountable variation, that is inconceivable. The fact that the law was only lately discovered is nothing against the inconceivability of its contradictory when discovered. Unless all unconditional truths are truths that all men have known from the beginning, it is absurd to answer the doctrine that the contradictory of a certain truth is inconceivable by saying that the truth itself was not always conceived. The question is whether any one, having conceived the truth and the grounds on which it rests, can at the same time conceive its contradictory to be true. On the other hand, the inconceivability of its contradictory is no independent test that a proposition conceived as unconditionally true is really true, since it is the same thing with the conception of it as thus true. The proposition is not true *because* its contradictory is inconceivable. A general proposition is true because it is the only way of explaining the facts to which it relates, compatibly with the unity of the world; which implies that its contradictory is inconceivable. The inconceivability of the contradictory may be only provisional, but that is because the conception of the proposition as true is only provisional. A new discovery might render the contradictory of the given

proposition conceivable, but only by rendering the proposition itself untrue. Where the truth is ultimate (as the truth of the above-mentioned chemical law must be ultimate so long as chemistry remains a separate science, since it affords the only way of holding the chemical facts together in a science, unless they be accounted for by some other science), the inconceivability of the contradictory is absolute.

110. Thus Mill is incidentally right in denying that the inconceivability of the contradictory is the test of truth, but shows that he is not right on right grounds by holding that a proposition may be conceived true without its contradictory becoming inconceivable. By 'conception' Mill generally understands a 'mental picture,' by 'inconceivable' that of which a mental picture cannot be formed. Now the progress of science clearly does not affect our power of forming mental pictures, or, if it affects it, increases, not diminishes, it. Thus the progress of science cannot render anything inconceivable, in this sense, that was not so to begin with. That alone is thus 'inconceivable' (or, to adopt Mill's phraseology, 'unimaginable' as distinct from 'unbelievable') which cannot be presented as in space. A last point of space, to take Mill's instance, is unimaginable because incompatible with the conditions of intuition; it is a space (i.e. something determined by outsideness), which yet has nothing outside it. And in this instance what is unimaginable is also inconceivable, because a space (a point or piece of space) is nothing if not an object of intuition, and here the conditions of intuition are denied. Mill apparently holds [1] (*a*) that nothing can be true which is unimaginable in this sense, but (*b*) that plenty of propositions may be true without their contradictory being unimaginable. He is right in (*b*), wrong in (*a*). Wrong in (*a*) because relations, which are our principal concern in knowledge, are not imaginable. None of the propositions which state laws of nature state what is imaginable, though the laws which they state relate to imaginable objects. Motion in all its forms is unimaginable,[2] and all laws of nature are in a wide

[1] Book II. chap. vii. sec. 3.

[2] Take the proposition, 'The *radii vectores* of planets and comets traverse equal areas in equal times.' Admitting that 'planets' 'radii' and 'areas' are imaginable, at any rate the traversing of the area is not. You may imagine points and lines, but not the transition from one to the other. Mill would say that we can imagine what we see, and we see bodies move. But we do *not* 'see' them move (even in the sense of 'intuition'): motion is that by which we explain what we see.

sense laws of motion. Therefore Mill is only right in (*b*) because he is wrong in (*a*). The reason why propositions may be true without their contradictories being unimaginable, is that the propositions themselves relate to the unimaginable, or, more properly, to that in regard to which the question whether it is imaginable or no is unmeaning.

111. Mill admits another improper sense of 'inconceivable' as = unbelievable.[1] I do not find that he anywhere exactly explains this, but he implies that belief is the result of past sensations, and that its strength is proportionate to the number of these, and to the uniformity in the order of their occurrence. Sensations 'register' themselves (to use Herbert Spencer's language), and belief represents accumulated entries in the register. In short, he has no other notion of belief than that of Hume, that it is the involuntary return of an idea with such liveliness as almost to = an impression. If 'inconceivable' = 'unbelievable' in this sense of belief, it is quite true that 'inconceivableness is an accidental thing, not inherent in the phenomenon itself, but dependent on the mental history of the person who tries to conceive it.'[2] In this sense of 'inconceivable,' the difficulty is not to show that the contradictory of scientific propositions is conceivable, but to show that these propositions themselves are conceivable, requiring us, as they commonly do, to set aside a 'belief,' founded on a long succession of sensible events, for a theory of which either the senses give no evidence at all or which is founded on the result of a single experiment. So far as we have the 'evidence of our senses' for anything (which we have not), we have it *for* the motion of the sun and *against* the motion of the earth. Why do we 'believe' the contrary? Mill admits[3] the difficulty of conceiving (in his sense) the contrary, but recognises none about the belief; but if belief is an 'accidental thing,' dependent on the past sensitive experience of the individual, the Copernican theory is quite as 'unbelievable' as 'inconceivable.'

112. Upon Mill's doctrine, that things really exist quite independently of thought or conception, and that the latter merely results from impressions which things make on us through sensation, neither the Copernican nor any other

[1] Book II. chap. vii. sec. 3; and chap. v. sec. 6.

[2] *Ibid.* chap. v. sec. 6.

[3] *Ibid.* chap. vii. sec. 3, end.

theory can be accounted for, for every theory corrects sense, or rather (since mere sense gives nothing to correct), the first inferences from sense. In truth the reality of things is their determination by each other as constituents of one order, a determination which only exists for thought. It is not that there is first the reality of things, and then a theory about it. The reality *is* a theory. No motion is properly a phænomenon, but a relation between phænomena constituted by a conceiving mind; a way of holding together phænomena in thought. Just as the motion of a planet is a way of holding together certain phænomena, the only possible mode of holding those phænomena together as one, so the Copernican system is the only way of holding the planetary motions together as one, as changing appearances of one principle. It is a reality (not a mere theory *about* reality), but it is a conception, though a conception which any one of us may or may not have made his own, may or may not conceive or believe: and the 'inconceivableness of its contradictory' is not an 'accidental thing, dependent on the mental history of the person who tries to conceive it,' but 'inherent in the phænomena' which form the system,—not indeed as separate phænomena (for as such they have no reality), but as a system.

113. As against Spencer, Mill is quite right, for Spencer has no other notion of the ground of belief than Mill's; and to make 'inconceivability of the contradictory,' thus understood, the measure of what can be true, is to measure truth by involuntary habits of expectation and memory, as they happen to stand in any individual or set of individuals at any time. In fact, Spencer's 'inconceivables,' though in the passage quoted by Mill he tries to represent them as 'unbelievables' in the sense of that which accumulation or uniformity of experience prevents us from believing, are negations of certain formal ideas, which in truth carry with them their own negation. The negative, supposed inconceivable, so far from being so is the necessary complement of the conception to which it is opposed. We 'believe in our own sensations' because 'the negation of this belief is inconceivable.' We believe that 'space, time, force, extension, figure are objective realities,' because 'we cannot by any effort conceive these objects of thought as mere states of our mind; as not having an existence external to us.'

What is meant by 'belief in our own sensations'? It must be something different from the sensations themselves. Spencer seems to mean by it the reference of sensations to an external cause, the thought of them as representing 'objective reality.' There is nothing, however, in their constant recurrence, which Spencer seems ordinarily to regard as the source of belief, to produce this reference. No one has ever been able to show why a sensation, which does not at first refer itself to an external cause, should come to do so on repetition. The Humian explanation would be that this reference to an external cause means the involuntary expectation that other sensations will follow, an expectation which the constant conjunction of these other sensations with the given one will account for. Such expectation may, no doubt, be thus accounted for, but the question is whether such expectation can account for science; whether the conception of objective reality, as thus reduced to involuntary expectation, can afford the basis which the possibility of science presupposes. Spencer strongly rejects the Humian view, but has really nothing to put in its place but a long-winded version of Dr. Johnson's refutation of Berkeley, which consisted in kicking a stone. Not seeing that the belief in question is the reference of sensations by thought to an object which itself constitutes, he regards the externality of the 'sensible thing' (the cause to which sensations are referred) as outwardness to the mind of a kind with the outwardness of one space to another. He makes what is in fact but our first thought about the world a final and absolute truth, of which the negation is inconceivable. Sensations are 'objectively real,' no doubt; yet nothing is what it seems. A sensation has its objective reality just in that which, as a separate sensation, it itself is not, viz. its relation to the universe of things. It is produced by an 'external' cause no doubt, but this externality of the cause, if it means (*a*) externality to the mind, is externality which the mind itself constitutes, and is thus within the mind; if it means (*b*) externality of one thing to other things, is an externality according to which each of the externals is the essence or the qualifying nature of that to which it is external, and is thus within it.

114. The appearance of our inability to 'conceive' space, &c. 'as not having an existence external to us,' arises (*a*)

from a confusion of the objective with the external, (*b*) from our misinterpreting relations which the thinking subject constitutes as if they were relations under which thought itself exists. (*a*) 'Space, &c.' are 'objective'—not modes of our consciousness—in the sense that they do not depend on the consciousness of any one in particular (as e.g. the composition of Beethoven's symphonies depended on the consciousness of that particular individual, as the Christian religion depends on a consciousness shared by a multitude of persons, and as the perception of colour depends on the consciousness of all possessed of certain sensitive faculties), but on the universal (though by no means exclusive) conditions under which consciousness regards its object. But in this there is no externality. The object of consciousness is not external to the subject, or, if it is, it is external in the way that carries its own negative (as explained above). (*b*) Extension and force are relations implying the externality to each other of the things related. Externality is predicable of these things. But the relations themselves are not external to anything. Externality is not predicable of them; still more clearly it is not predicable of the thinking subject which constitutes them. Thus they only seem external to thought through the fallacy of treating the mind itself as one of the things between which the relation of externality exists.

115. 'Two and one are equal to three,' according to Mill,[1] 'is a truth known to us by early and constant experience; an inductive truth'; i.e. it has happened to us very often and without exception to find that the same three objects, which as presented in separate parcels have produced a certain set of sensations, will produce another set of sensations if presented in one parcel, and *vice versa*. We are thus led to believe that this always will happen in the case of any three objects whatever, a belief which we state in the form '$2+1=3$.'

This explanation assumes that which is to be explained, viz. the act of counting. It assumes an aggregate counted as three: otherwise we could never have compared sensations produced by one parcel of three objects with those produced by the same objects in two parcels. Having counted the objects as three, we already know that $2+1=3$, since we

[1] Book II. chap. vi. sec. 2.

have only got them by adding one to one so as to form a number, and then adding one to this number two. The whole question at issue relates to the synthetic act of counting, the act by which various numbers are given. Given any number (e.g. twelve), all propositions which state equality between it and various combinations of its elements are derived by mere analysis (e.g. $8+4=12$; $7+5=12$). How, without sheer nonsense, can the mental act which yields the number twelve be called a 'generalisation from experience,' i.e. an assurance gradually obtained that what has happened constantly will always happen? 'Are there not,' it may be said, 'collections of objects amounting to twelve which are always striking our senses?' Exactly so, but do these amount to twelve for a merely sensitive consciousness? 'We see twelve pebbles; twelve pebbles strike our sense of sight in a particular manner.' Is then twelve a light or a colour? In truth a visible object 'impresses the senses thus $\overset{\circ}{\underset{\circ}{\circ}}$,'[1] only because in seeing it we count; only because we either hold together successive sensations in one compound of parts, or think the sensation of a moment into parts which we proceed to add. In short, only because 'sensible objects' are already numbered or numerable through a synthetic act of thought, is there an appearance of our deriving ideas of number from them by abstraction and generalisation.

[1] Book I. chap. vi. sec. 2.

I. *SYLLOGISM.*

[Mill, Book II., Chapters I., II., III.]

116. In the theory of syllogism, as in that of 'necessary truths,' Mill is to a great extent right as against the doctrine which he attacks. If the question at issue is whether the 'ground,' on which we 'draw conclusions concerning cases specifically unknown to us,' is best stated by saying that 'the unknown case is proved by known cases,' or by saying that 'it is proved by a general proposition including both sets of cases, the unknown and the known,'[1] Mill's answer, as here given, is quite right. It is no doubt absurd to say that the mortality of Socrates is proved by the truth that 'all men are mortal.' But the question remains whether the proof that Socrates is mortal is that this, that, and the other man have died (as Mill holds, chap. iii. § 4); whether it is proved by 'generalisation from observed particulars given by sense,' of which the general proposition is a summary statement, in the sense in which Mill understands it. In short, the question at issue concerns the nature of 'generalisation.' Is it (*a*) a process from concrete individuals, by omission of their distinguishing attributes, to a class; or (*b*) a process from a constantly observed sequence of one sensible event on another to the involuntary expectation of one upon the recurrence of the other; or (*c*) a process from a multitude of separate events to their uniform conditions (relations) or single cause?

(*a*) is the doctrine of the scholastic logic, of which the history was determined by Plato's original failure to distinguish between *αἰσθητόν* as mere sensation (sensation as it would be for a merely feeling consciousness), and *αἰσθητόν* as a concrete sensible thing (a complex of attributes constituted by relations). *αἰσθητόν* in the former sense (or *αἰσθητόν* in the sense of our first imperfect interpretation of sense),

[1] Note to Chapter VI.

but not in the latter, may properly be opposed to *νοητόν* or *ἐπιστητόν*. From the opposition of *αἰσθητόν* in the latter sense to *νοητόν* arises the doctrine that on the one hand things in their definite concrete individuality are given to us in sense independently of any action of thought, and on the other hand that the action of thought or the process towards knowledge consists in a gradual abstraction from, or omission of, the distinguishing properties of the individuals, till a universal, in the nature of a class possessing some fraction of the attributes of the individuals, is arrived at. Of such a class one of the attributes included in the connotation of the corresponding name was predicated in the proposition forming the major premiss of a syllogism. On its being so included, and on the inclusion of the individual or species forming the minor term within the class (i.e. on the predicability of the class-name of this individual or species), the validity of the syllogism depended. Locke was right, once for all, in saying that syllogism could only be analytical of a 'nominal essence.'

117. Mill retains syllogism as representing a real inference, but holds that the conclusion is drawn, not from the general proposition, in the assertion of which, as he admits, the conclusion is already asserted, but from the 'particulars' of which this general proposition is a register. But his view is open to virtually the same objection as the old view of syllogism. Is the 'particular' of which an attribute is asserted in the conclusion one of the particulars which have been already observed to have this attribute (the particulars of which the middle term is the summary), or is it not? If it is, then there is no inference to it. The conclusion is just as clearly involved in the data, these being the observed particulars, as it is in the general proposition according to the old view. If it is not, how is the inference justified? How is the inference valid unless the *ἐπαγωγή* is *διὰ πάντων*? and if it is *διὰ πάντων*, how is it inference at all?

One answer to this objection is to adopt Locke's denial of 'general certainty' in regard to nature; to say that what we call so is an involuntary habit of expectation which on the recurrence of a sensation recalls the idea of its usual attendant with great vivacity. If generalisation were what Mill usually describes it as being, inference that what has happened constantly will happen always, this would be the

only possible account of the certainty which it produces. The question is whether this will explain science, which is essentially an effort by 'interrogation of nature' to get behind the usual to the uniform.

118. The other answer is that the inference to the mortality of Socrates rests on the observation neither of all the particulars nor of many particulars, as all or as many; that it is neither an *ἐπαγωγὴ διὰ πάντων*, which is no inference at all, nor an *ἐπαγωγὴ διὰ πολλῶν*, which can yield no scientific certainty; that it has nothing to do with the quantity of the particulars, but only with their kind; nothing to do with how often an event happens, but only with the question what it really is that happens in each event. Inference is a process from the '*ordo ad nos*' or '*ad sensum*' to the '*ordo ad universum*,' from the 'phænomenon' in the proper sense to its conditions, a process to which the mere repetition of occurrences *in ordine ad sensum* contributes nothing. The inference to all possible cases of a like event, so far as made at all, is made in the first complete discovery of the conditions of the single event. Once know what death really is in the case of a single man, i.e. the conditions on which it depends, then I learn no more by seeing any number of men die, I do not become any more certain that Socrates will die. Whatever uncertainty there may be as to the mortality of Socrates consists in the uncertainty whether the ascertained conditions of mortality are present in his case or no; whether the resemblance of Socrates to the men who have died (or, it may be, to single men who have died, for the number of cases makes no difference) is a resemblance in respect of the conditions on which mortality depends. No doubt, in the process of ascertaining what these conditions are, a great number of cases may have to be observed in order to the exclusion of unessential circumstances; but the observation of such cases in order to ascertain what really happens, what are the conditions of the given phænomena in each, is absolutely different from the observation which from the constant occurrence of an event leads to the expectation of its uniform continuance. The former is the sort of observation which Mill has in view when he is explaining the inductive methods; the latter is the kind which he has in view in his account of the generalisation by which from many particulars, registered in the major premiss of a

syllogism, we infer the proposition which forms the conclusion of such a syllogism.

119. Mill holds all syllogism to be of that kind which the scholastic logic held it to be in cases where the major premiss was founded on *ἐπαγωγή*, except that he supposes the need for *ἐπαγωγή* being *διὰ πάντων* to be in some unexplained way dispensed with; so that the inferred case has not been itself one among the cases on which the inference is founded. This, however, is to save inference from being nugatory by making it invalid, unless the dispensation with *ἐπαγωγὴ διὰ πάντων* can be justified. 'But,' it will be said, 'Mill's inductive methods are just what enable us to dispense with *ἐπαγωγὴ διὰ πάντων*.' True, but that is because they imply a conception of inference in fact wholly different from the conception of it as generalisation from many observed cases to all possible cases, from what has happened often to what will happen always; a conception according to which a general truth is something quite different from a summary statement of a multitude of particular events (which is what Mill understands it to be in his doctrine of syllogism).

'A principle ascertained by experience,' he says,[1] 'is more than a mere summing up of what has been specifically observed in the individual cases which have been examined; it is a generalisation grounded on those cases, and expressive of our belief that what we there found true is true in an indefinite number of cases which we have not examined and are never likely to examine.' Yes, it is 'more than a mere summing up' because it is not a 'summing up' at all. Mill is governed by the old view that the general proposition concerning matter of fact is a summary of what has often happened; at the same time he sees that such a summary is not a scientific truth, neither proven nor a basis for proof. Accordingly he regards it as a summary of what has been observed and something more. In truth, it is only this something more because it is not a summary of observed phænomena at all, but a statement of the permanent conditions of these phænomena, which conditions once ascertained there is no further inference from these phænomena to an 'indefinite number of cases which we have not examined.'

'From instances which we have observed, we feel

[1] Book II. chap. i. sec. 3, end.

warranted in concluding that what we found true in those instances holds in all similar ones, past, present, and future, however numerous they may be.'[1] Such a conclusion is nugatory. There is no inference from those instances to all similar ones. If they are really similar, they are covered by the principle discovered in the observed instances. In that case the conditions of the phænomenon are the same in all cases of its occurrence, and the phænomena are really identical, i.e. distinct in time or *ad sensum*, but one in essence (relations) or *ad universum*. Inference lies, not (as Mill says) in the generalisation from observed instances to all, but (*a*) in the discovery of the real conditions of the observed instances, (*b*) in the discovery whether other apparently like instances are really like. Given the real similarity of the other instances, there is no inference to them.

120. In geometry there are no 'observed phænomena,' no *ordo ad sensum*, at all. Thus instead of (*a*) above we have inference consisting in the combination, primarily, of elements consisting in the simplest forms of the limit, and then of figures whose properties are known as resulting from such combination, and the consideration of what together they imply. The conclusion arrived at in this way is in its nature universal, though obtained by the construction of a single figure, just as the proposition which states the conditions of a single phænomenon is universal. In each case the proposition is not a statement of what happens here and now to me ('this feels hot'), but a statement of a relation which is not in time at all, a relation which between the same things is eternally the same. You analyse a particular drop of water into certain proportions of oxygen and hydrogen. You find by means of a particular construction that the squares on the containing sides of this right angle together = the square on the hypotenuse. In the first case you know at once that water is always composed of oxygen and hydrogen in the same proportions when the conditions are the same as those under which you analysed it (in other words, your conclusion is intrinsically universal). In the latter case the conclusion is not any more universally true, but it is of a different kind, of a kind which renders the qualification 'under the same conditions' superfluous, because the conditions cannot be different. For the same

[1] Book. II. chap. iii. sec. 3.

reason stage (*b*) of inference, as above stated, has no place in geometry.

Thus Mill is quite right in holding[1] that inference in geometry is not any less 'from particulars to particulars' than in natural science, but only because in neither is the inference 'from particulars to particulars,' in the sense of 'from sundry events to another event.' The inference in natural science no less than in geometry is to a universal, to an eternal and unchangeable relation; and in natural science it may be from a single phænomenon, just as in geometry from a single construction. The difference lies in the dependence of the ascertained conditions upon other conditions in the one case, their independence in the other.

Just as in geometrical reasoning there is nothing corresponding to (*b*) above, so in the lawyer's reasoning there is nothing corresponding to (*a*). The lawyer has his general proposition given him by the law. Everything depends on making out the particular case to come under the general rule, i.e. on a process analogous to (*b*).[2] Thus geometry is constantly arriving at unqualified or unconditional general truths, natural science at conditional general truths, the lawyer never at any general truths; he takes all his general truths for granted, and shows how particular acts can be construed as covered by them.

121. What Mill gives[3] as the 'universal type of the reasoning process,' corresponding to syllogism, does not as it stands properly represent either (*a*) the process, or (*b*) (as syllogism may do) the result of reasoning. As regards (*a*) it is clear that the process of inference depends on discovering (1) what are the attributes in the 'certain individuals' (one individual would do as well) on which the 'given attribute' depends, and (2) whether the individual concerning which the conclusion is arrived at shares these attributes, is subject to the same conditions. A resemblance in respect of *other* attributes than these is nothing to the purpose; a *resemblance* to these attributes proves nothing. The question is whether the same cause is operative in the two cases; not 'whether from the attributes in which Socrates resembles

[1] Book II. chap. iii. sec. 3.

[2] Mill, Book II. chap. iii. sec. 4.

[3] Book II. chap. iii. sec. 7. 'Certain individuals have a given attribute; an individual or individuals resemble the former in certain other attributes; therefore they resemble them also in the given attribute.'

those men who have heretofore died it is allowable to infer that he resembles them also in being mortal,'[1] but whether Socrates 'has the attributes' or is subject to the conditions on which mortality has been found to depend. When this has been settled, there is no further question as to 'whether it is allowable to infer' the mortality of Socrates. Such language is a survival of the old notion that inference is from what has happened often to what happens always, and that the question of induction is whether an event has happened often enough to justify this inference. For this Mill substitutes the question 'whether from the attributes in which Socrates resembles those men who have heretofore died it is allowable to infer that he resembles them also in being mortal.' But from mere resemblance of attributes there is no valid inference at all; and where for such resemblance has been substituted an identity between the conditions under which Socrates lies and those on which mortality has been shown to depend, the inference is over. The process thus described by Mill has not then the formal validity of proper syllogism, as represented either by the '*dictum de omni et nullo*' or by a formula of quantity (*τὸν ἔσχατον ἐν ὅλῳ εἶναι τῷ μέσῳ καὶ τὸν μέσον ἐν ὅλῳ τῷ πρώτῳ ἢ εἶναι ἢ μὴ εἶναι, κ.τ.λ.*), nor yet is it a process of 'instructive' reasoning.

(*b*) Does it then represent the result of reasoning? No; in order that it may do so, in the second clause for 'resemble the former in certain other attributes' we must read 'are identical with the former in respect of other attributes on which the given attribute depends.'[2] Such a result of reasoning corresponds to Aristotle's 'apodeictic syllogism,' in which the middle term represents the cause (the formal cause or sum of conditions) in virtue of which a certain subject (the minor term) undergoes a certain *πάθος* (the major term). E.g. 'the sun with its rays cut off by the intervention of the moon (middle term) is eclipsed (major term); the sun as it now is (minor term) is a sun with its rays so cut off; therefore it is eclipsed.' Such a syllogism, though no process of demonstration (which has to do with showing the dependence of the major on the middle), is the

[1] Book II. chap. iii. sec. 7.

[2] Better still: 'Under such and such conditions certain phænomena (or individuals as connected groups of phænomena) are accompanied by (or exhibit) a certain other phænomenon; these are phænomena subject to such conditions; therefore they are accompanied (or exhibit) certain other phænomena.

true type of the complete reasoned judgment, which results from demonstration.

Mill's real conception of reasoning, though he speaks as if it were represented by his revised formula of syllogism, does not appear till the third book. There we find that he understands it to consist in the discovery of the causes of phænomena, i.e. in a process antecedent to apodeictic syllogism, a process which syllogism cannot represent. 'Deduction' indeed he describes as in certain cases entering into the discovery, but it is a deduction really quite different from syllogism, and which the syllogistic formula will not represent.

K. *INDUCTION.*

[Mill, Book III.]

122. Mill gives four definitions of induction[1]; it is (*a*) 'drawing inferences from known cases to unknown'; (*b*) 'affirming of a class a predicate which has been found true of some cases belonging to the class'; (*c*) 'concluding, because some things have a certain property, that other things which resemble them have the same property'; (*d*) 'concluding, because a thing has manifested a property at a certain time, that it has and will have that property at other times.'

(*a*) is misleading because there is no inference from known cases to unknown, except just so far as the unknown become known. There is no inference from the mortality of other men to that of Socrates, except that which consists in coming to know Socrates as we have come to know other men in respect of their mortality, i.e. by ascertaining the conditions on which mortality depends. Inference consists in getting to know Socrates in the same respect, i.e. in discovering whether he is subject to the same conditions. To (*b*) the same objection applies. Till you know whether the classification is a valid one in respect of the attribute affirmed, there is no inference from 'some cases' to the class; and when you know this, there is no more room for inference. So with (*c*); settle the resemblance, as=identity of conditions, and the inference is over. As to (*d*), times as such are not in question. Induction has nothing to do either with the times at which observed phænomena have been observed, or with other times, except so far as diversity of conditions is connected with diversity of times.

123. The misconception of the nature of induction implied in the above statements goes along with a misconception of the 'axiom of the uniformity of nature.' It is regarded

[1] Book III. chap. ii. sec. 5.

as an assumption that things resembling each other in a great many points will resemble each other also in others, or that what has happened often will happen always, that the future will resemble the past. If we ask for the ground of such an assumption, we are referred to *inductio per enumerationem simplicem*. A rule which is to enable us to dispense with such *enumeratio* is itself founded on it. Upon the strength of a mere enumeration of instances in which phænomena have appeared in a uniform relative order, we assume from a single instance, in which two phænomena have been associated, that they will be in all instances so associated. But how do we know that the instances, with the examination of which we are always dispensing on the strength of the rule, might not be just what would invalidate it if they were examined? If the ground of induction were merely an involuntary expectation, it might be accounted for in this way. From the constant association of any two phænomena we no doubt come to expect the continued association of these two, but there is nothing in this to produce expectation of continued connexion between others which have seldom been presented to us at all, or not in unbroken connexion; and most of the phænomena with which science deals are of the latter sort, of a sort with which we only become acquainted at all, or at any rate only in unbroken connexion with each other, through 'interrogation of nature,' not through the ordinary course of experience. In short, *enumeratio simplex*, in the sense of simple *de facto* sequence of one feeling on another, could simply yield a bundle of expectations of various degrees of strength according as the sequence between each series of feelings had been more or less frequently repeated and unbroken; nor could the strength of the expectation that *b* will follow *d*, founded on constant and uniform sequence, communicate itself to the expectation that *a* will follow *f*, if a deficient or varying experience of their connexion left the latter expectation weak. Such a bundle of expectations has nothing in common with the ground of inductive reasoning, as it actually exists. This ground is more fitly expressed as the conception of the 'unity of the world' than as that of the 'uniformity of nature,' at any rate if the latter is supposed to be equivalent to the assumption that the future will resemble the past. The future might be exceedingly

unlike the past (in the ordinary sense of the words) without any violation of the principle of inductive reasoning, rightly understood. If the 'likeness' means that the experiences of sensitive beings in the future will be like what they have been in the past, there is reason to think otherwise. Present experience of this sort is very different from what it was in the time of the ichthyosaurus. If it means that different experiences of the future will be part of one system with the present, the result of conditions that now are, it is true; but to such a system and conditions the distinction of past and future does not apply; they are eternal. On the other hand, of that to which the distinction of past and future does apply, resemblance cannot be truly predicated.

124. To make a plausible case for the derivation of the principle of induction from an *enumeratio simplex* of uniformities in the sequence of 'phænomena,' such sequence ought to be much more uniform than on the first view it is. A certain sight of fire is no doubt uniformly followed by a feeling of warmth, &c. &c.; but, on the other hand, the sequences (say) of appearances in the sky seem infinitely various. As Mill says,[1] 'the order of nature, as perceived at a first glance, presents at every instance a chaos followed by another chaos.' Hence when he and others are refuting the doctrine that the conception of the 'uniformity of nature' is *a priori*, which they suppose to mean that every man is born with it ready-made, they have no difficulty in showing that uneducated men do not believe nature to be uniform. They believe in a certain uniformity of nature, but in a great deal of wilfulness. How should this be if the belief in uniformity is founded on *enumeratio simplex*, on an experience of uniformity which is constantly 'crowding in upon us'? No doubt it is only upon the first view that nature seems a chaos; that between so many events there seems to be no sort of uniform relation. Upon a deeper view or 'interrogation' we find uniformity where there seemed chaos. But then it is just this 'interrogation' that has to be accounted for: it is only upon the supposition of uniformity that we make the interrogation. How can this be, if the supposition is only derived from the observation of uniformity, an observation which presupposes the interrogation? You cannot come to believe nature to be uniform

[1] Book III. chap. vii. sec. 1.

till you interrogate her. You cannot interrogate her till you believe her to be uniform.

'If, then, the principle of induction—call it the conception of the unity of the world, or what you will—is neither derived from observation, as Mill says, nor born ready-made with every man, how (it may be asked) do we come by it?' The answer is, that it is implicit in the simplest act of knowledge. (When the human animal begins to know, I do not pretend to say.) The unity of the world is the unity of the thinking subject. In order to the simplest act of knowledge, to that represented by the words 'something is,' or 'this is here,' a multiplicity of feelings (or, if you like, a feeling attended to in successive moments) must become one object in virtue of the equal presence of the manifold elements to the one subject. The conception on our part of nature as a system, of which every part or process is determined by relation to all the rest, is merely a development of this original determination of our feelings by relation to one thinking subject; and the reality of nature as a system consists in the relation of its multiplicity to one thinking subject, which distinguishes itself from it, but determines it, makes it what it is, by this distinction of itself from it.

125. Thus the definitions which Mill gives of induction at best only describe an incident of it, the essence of induction being the discovery of the causes of phænomena. What is true of a certain phænomenon or sensible event is true of all phænomena really the same, i.e. determined by the same conditions. This, it will be said, is an identical proposition, or another way of putting the principle of contradiction. But it is what Mill's formula comes to, if it is to be true at all. It is not true, unless 'same' is substituted for 'similar.' The whole business of science is to substitute real identity (identity of conditions) for mere similarity between phænomena. The 'resemblance in certain assignable respects'[1] between the 'all cases' and the 'particular case' must be identity in respect of the conditions on which the attribute predicated depends; and it is the office of reasoning, whether inductive or deductive, to ascertain these. These ascertained, the work is done. There is no further inference from 'some cases' to 'all cases,' or from 'certain times' to 'all times.' It is the statement of the conditions of a phæ-

[1] Book III. chap. iii. sec. 1.

nomenon which is the 'general proposition,' in distinction alike from the 'singular' proposition, which merely states the occurrence of a phænomenon, and from the 'collective' proposition which summarises any number of such propositions. Mill is quite right in saying that it is the business of induction to arrive at such truly general propositions. But his doctrine about syllogism was that a general proposition was merely a register of a multitude of singular propositions.

126. There are, in Mill, two views of the process by which we come to knowledge, which cannot properly be adjusted to each other; one, that it consists in the discovery of causes, 'cause' being defined as the sum of the conditions of a phænomenon; the other, that throughout it is the discovery of resemblances between phænomena, either (*a*) as observation of resemblances between individual phænomena, or (*b*) as abstraction, description, and classification of these, or (*c*) as generalisation, i.e. inference from observed resemblances to unobserved, in which, sharply distinguished from (*b*), Mill considers induction properly to consist.

Of course, the more completely science is reduced to a register of resemblances between phænomena, the less does the constitutive action of thought appear in it. Though, in truth, it is only for a thinking consciousness that the relation of resemblance can exist, yet the existence of such a relation for consciousness is so readily confused with the simple succession of resembling sensations (which implies no consciousness of relation), that this may readily be ignored. If all the facts, then, which science ascertains consist in 'resemblances between phænomena,' the work of thought in the constitution of facts need scarcely come into view.

It is this work of thought in the constitution of facts which Whewell really has to assert as against Mill. But he spoils his own case by often writing as if the antithesis between ideas and facts were a valid one; as if the 'superinduction of ideas' upon facts were merely an operation that had to be performed *ex parte nostra* in order to give science. Hereupon he is open to the rejoinder that we get our ideas from the facts, which is quite true, but is of no avail against the true doctrine that it is only the 'colligating' action of thought which constitutes those relations in which the 'facts' consist. The true opposition is not between thought

and fact, but between thought and mere feelings, which, except as related to each other through relation to thought, are not facts at all.[1]

127. To return to the acts or processes which Mill distinguishes as observation, description (or abstraction), and induction (or generalisation); the truth is that these are no other than stages in one and the same process, by which the world becomes to us what it is in itself, a connected whole. It is really such a whole in virtue of the presence of its manifold to the one eternal thinking subject. To us, from the beginning of knowledge, through communication in principle of this subject to us as our self-consciousness, it is such a whole potentially, i.e. we regard our experience as representing a world of which every element is related to every other. Only as so regarded is our experience a basis of knowledge. It becomes so for us actually, as we come to know what the relations between the component parts of the world of experience, which from the beginning we presume there must be, really are.

128. Observation, in its simplest form, is the act by which we connect manifold feelings in an individual object. This connection is not one in the way of resemblance. To my simplest apprehension (say) of 'this table' there go (*a*) feelings which I hold together as immediately successive in time, (*b*) felt objects which I hold together as limiting each other in space, and (*c*) the feelings and felt objects thus held together are identified, i.e. regarded as one thing, of which the successive feelings are qualities and the mutually limiting objects are parts; but these relations of space, time, and identity, involved in the observation of a single object, are none of them resemblance.

If after an interval I look at the table again, there is no doubt a resemblance of the related feelings and felt objects, which form the second experience, to those which formed the first; and in virtue of this similarity of the experiences I identify them as representing one object; 'this is the same table that I saw before.' But the relation of identity, though it may be thus founded on that of resemblance, is quite different from it. We must observe (*a*) that they are not merely resembling experiences that I refer to an identical object, but experiences 'contiguous in space and time' (i.e.

[1] Cf. Whewell, *Novum Organum Renovatum*, p. 116.

experiences, as Hume would say, related in a way which does not depend on anything in the experiences related); (*b*) that when it is resembling experiences that are identified, the substitution of identity for resemblance is all-important as a beginning of knowledge. If the collective representation, which we come to denominate as 'this table,' were merely regarded as similar, not as representing one thing, there would be nothing to be accounted for in the appearance of an unusual difference between the representations. These not being referred to one thing, it would not be a change.

129. The ordinary view of observation, which Mill adopts, is that groups of sensations having various degrees of resemblance to each other are presented to us; that then we form our idea of the individual object by regarding as one those groups which are precisely alike, e.g. (according to the language which afterwards comes to be used) the group of sensations which I have each time that I look at 'this table'; that afterwards we combine objects which have less precise resemblance; and so on, as observation passes into abstraction, which is supposed to be merely the collection, under a name, of points of resemblance between objects which in other points more or less differ. Induction, again, is supposed to be a discovery of points of resemblance, but not by direct observation: it is an inference of unobserved resemblance from the observed.

The fault of this account is that in each stage it ignores that determination of objects by relations other than those of resemblance which is necessary in order that there may be resembling objects to compare. The precisely similar groups of sensations, which it supposes us to combine, only are similar groups through the intellectual super-induction upon mere feelings of relations of time, space, and identity, as described above. The sensations which go to make up each presentation of 'this table,' are not related to each other in the way of resemblance. Nor can that attention to the points of resemblance between different individual objects, in which 'abstraction' is supposed to consist, lead to any advance in knowledge. Just so far as the science of the ancient philosophers consisted in such 'abstraction,' it was barren. Take the discovery of early astronomers that planets 'revolve in recurring periods' (that each planet so

revolves as constantly to return to the same position in an equal time). The conceptions which this discovery involves are none of them got by observation of resemblance. To render it possible, there must be (1) the conception of motion, of the same body occupying separate spaces in successive times (identity, time, space); (2) of time as a measureable quantity, with something to measure it by; (3) of the planet as revolving; (4) of a position in space determined by relation to the earth, &c. &c. In order to such conceptions a long process of determining feelings by relations thought of must have gone on, but by relations not in the way of resemblance. In each case the conception is what Whewell calls a 'colligation of facts,' each fact in turn being a colligation of other facts 'nearer to sense,' i.e. implying less of the combining action of thought upon the mere manifold of feeling. Thus a period of time, a portion of space (made up of parts), are facts constituted by intellectual colligation. A motion is a further colligation of a period of time with a portion of space through the conception of body occupying parts of the space in successive times. Nor is the conclusion arrived at fitly described as a judgment of resemblance. It is the judgment that the periods of time occupied by a return of a body to a certain position are equal (i.e. *qua* quantity identical), and the whole value of it lies in its being a judgment not of mere resemblance, but of equality. From the connection of any set of phænomena as merely resembling, no science results: once connect them as constituents of a quantity, and we have the beginnings of science. Connected as parts of a quantity, they then resemble each other in virtue of that relation, but it is not in virtue of resemblance that they are so related. All things related to each other are similar as a result of that relation, but this is quite different from their being related in virtue of resemblance. If our knowledge of relations results from the observation and abstraction of resemblances, the resemblances observed and abstracted cannot be those which presuppose relations. Hence our knowledge of relations in space and time cannot result from the observation and abstraction of resemblance; for objects cannot be observed to resemble each other in these ways unless they have been previously known as related in space and time.

130. All science may rightly be described as progressive

'colligation of facts' through superinduction of conceptions, if it is understood (*a*) that 'conception' means relation, which is rightly called 'conception' because it is constituted by the combining action of thought upon a manifold; (*b*) that every fact is constituted by such a superinduction; (*c*) that thus the colligating conception does not exist in our minds before or apart from its existence in fact; and (*d*) that that on which it is superinduced is not the fact as it really is, but either (1) feelings on the part of us who feel before we understand, or (2) a fact as yet imperfectly conceived by us, not conceived in the fulness of its relations.

To describe science as the progressive discovery of the conditions of phænomena, comes to the same thing. The word 'phænomenon,' like 'fact,' is ambiguous. Just as apart from colligating conceptions there is no fact either really or for knowledge, so apart from conditions there is no 'phænomenon'[1] either really or for knowledge. The phænomena which form the data of the most elementary knowledge are already conditioned phænomena (conditioned by the superinduction of conceptions upon mere appearances to sense), or phænomena colligated by mutual relation.

The first step in knowledge is to connect one appearance with another, as forming one object or apparent thing; to identify appearances. This is done by instituting relations between them (relations which doubtless really exist, but which for us as sentient are not), and this is to condition them. The next step is to connect objects thus formed, in other words to condition, by mutual relations, the conditions of the first appearances. All knowledge is a continuation of this process. To think is to condition, and to condition is to think. The phænomena of which scientific men speak of themselves as discovering the conditions are a long way off mere appearances to sense; they are phænomena already conditioned by much colligation, highly determinate facts. Thus the discovery that air has weight is spoken of as the discovery of the conditions, or law, of a phænomenon.

[1] Cf. Deschanel's *Natural Philosophy*, p. 4, *Tr.* 'A phænomenon is a change that takes place in the condition of a body; the fall of a stone, the flowing of water, the melting of lead, the combustion of wood, for example, are phænomena. When we study the characteristics which belong to phænomena of the same class, we soon perceive that the various circumstances of their production have a mutual dependence, so that if one of them varies, the others undergo a corresponding variation. The expression of this connection constitutes a physical law.'

But in what sense is air a phænomenon? Mill and his friends would be prompt to tell us that air is not an 'entity'; but they do not scruple to call it a phænomenon. Yet in the only proper sense of 'entity,' as an intelligible object, there is much more propriety in calling it 'entity' than 'phænomenon.' It is an intelligible object, but not an appearance to sense, or a sensible event. It is an understood relation between the conditions (themselves relations) of certain sensations. The discovery that it has weight means that in a certain respect this relation is identified with one already known to exist between other conditions of phænomena (a relation of bodies to each other), and that a quantitative and therefore measurable relation.

131. It is thus absurd to call the 'law that air has weight' (as Mill seems to do, Book III. chapter iv. § 1) a 'uniformity in respect to a single phænomenon.' The air, apparently, is the 'single phænomenon' about which the 'uniformity' discovered is that it is always heavy. But air is not a single phænomenon, nor even, in any natural sense, a uniformity between phænomena; for uniformity between phænomena means a relation between phænomena in the way of resemblance, and the more important relations which constitute air are not in the way of resemblance, e.g. motion, and production of motion. Nor is the discovery that it has weight a discovery of uniformity. If it is, between what is the resemblance discovered? 'Between different cases of the phænomenon of air.' But the discovery is that air has weight in a single case, when no other conditions than those understood by 'air' are present. There is the whole discovery: there is no further discovery of resemblance between that case and all cases. 'The resemblance,' it may be said, 'is between air and other things that can be weighed.' No doubt, if it can be weighed, it resembles other things that can be weighed; but the discovery is of its weight, which is not a relation in the way of resemblance, though, of course, it constitutes a point of resemblance between all things determined by it. The fruitfulness of the discovery lies in this, that it connects 'air' (the conditions of phænomena so called), or brings it under the same law, with all ponderable matter; renders it a measurable quantity.

132. The discovery that air has weight is apparently what Mill would reckon a proper induction,[1] as distinct (say)

[1] At least he speaks of the law that air presses upon mercury 'with the force which is called its weight,' as an induction. Book III. chap. iv. sec. 1.

from Kepler's discovery that planets move in ellipses, which is only a description of what has been observed. The one is a generalisation, the other only an abstraction; the one represents inference, the other only observation; the one is an explanation of phænomena, the other merely a description.[1] There is, no doubt, a distinction between such a 'description' of planetary motions as Kepler discovered, and such an 'explanation' of them as Newton discovered, a distinction which Whewell puts as that between the laws of phænomena and the laws of their causes. The question is whether Mill gives the right account of it.

Is it a distinction between a fact seen and a fact inferred? No doubt, as Mill says, 'the ellipse was in the facts before Kepler recognised it.' That upon which the conception of elliptical motion can alone be properly said to have been 'superinduced,' consists, not in the facts of Mars' positions, but in Kepler's observations of them. The elliptical motion of Mars may rightly enough be called a conception, but in this sense of conception there is no superinduction of it. It is always there, constituting the facts. That which can alone be said to be superinduced is the conception on the part of the astronomer, and that upon which this is superinduced is not the facts but the astronomer's observations. The point is, that in the same sense in which Kepler 'saw' the ellipse in the facts, Newton 'saw' the law of gravitation in the facts.

Again, when a conception is said by Mill to be 'abstracted from facts' or 'from phænomena,' this can only mean that it is abstracted from our observations of facts, from the facts as they are for the consciousness of the person who is supposed to make the abstraction. Otherwise he has nothing from which to abstract. But, on the other hand, the observations must already be connected and determined by the conception (or conceived relation), if it is to be derived from them by 'abstraction,' for we cannot abstract what is not there to be abstracted. What process, act, or progress of thought, then, is represented by this 'abstraction,' by which we are supposed to obtain a conception which we must already have had in order to the possibility of the 'abstraction'?

Taking 'facts,' then, in the only sense in which a

[1] Book III. chap. II. secs. 3 and 4.

conception can with any meaning be said either to be 'superinduced upon' or 'abstracted from' them, viz. as=our observations, the former expression is the more correct of the two, because the observations as connected by the conception take a new character; a new aspect is superinduced upon them. This they must already have, in order that the abstraction may be possible, and if they have it, no further step is taken in the abstraction,—at any rate, only such as consists in giving abstract expression to (finding a formula for) the connecting conception.

133. Thus, when Mill says, 'Such a conception (that of life) *can* only be abstracted from the phænomena of life itself; from the very facts which it is put in requisition to connect,' the answer is that such a statement puts the cart before the horse; that till the phænomena have been connected by such a conception, they have not the character from which it can be abstracted. Doubtless, as Mill says, 'there is in the facts themselves something of which the conception is itself a copy' (or, more properly, the facts are themselves related, through a thought which conceives or holds them together, as they come to be for us); but from the facts themselves, as distinct from our observations, we can make no abstraction. The business of science is to connect our observations (the facts as they are, or are constantly coming to be, for our consciousness) by the conception by which the facts themselves are connected; to reproduce in us this conception. Such reproduction is only possible because, the thinking subject which is the unity of the world being in principle present in us as our reason, our observations, or the facts as they are for our consciousness, are already potentially what they are in themselves. We are constrained to seek to think them or hold them together as one, and the only way in which this can be done is by connecting them as they are really connected. Just in so far as we fail so to connect them, the facts of our observation (or the facts as they are for our consciousness) are a contradiction to that unity which, because in itself, thought must seek to find in the world. Just so far as we succeed in so connecting them, the facts of observation (or the facts as they are for our consciousness) become the real facts. Thus it is the 'phænomena of life' that bring us to the true conception of life, not in the sense that we abstract

it from them, but in the sense that the facts of life, as observed or as they are for our consciousness, are a contradiction, a perplexity, a baffling manifold, in which thought cannot rest till they are connected for us as they are really connected, till these phænomena become the realities.

134. Mill's distinction, then, between Kepler's discovery and Newton's, so far as it depends on the view that the former is an 'abstraction,' of a kind with that of the old logic, breaks down. The conception of the relation between the positions of Mars as points in an ellipse is not abstracted from Kepler's observations of them, for, till they have been determined by this conception, they have not the common characters from which it could be abstracted. They have first to be determined by the conception of their mutual relation as points in an ellipse (which is not a relation in the way of resemblance, though as all alike determined by it they resemble each other), before the abstraction can be made. Hence the fallacy of Mill's statement,[1] 'The mental operation which extracts from a number of detached observations certain general characters in which the observed phænomena resemble one another, or resemble other known facts, is what Bacon, Locke, and most subsequent metaphysicians have understood by the word abstraction.' Cf. III. ii. § 4. 'The assertion that the planets move in ellipses was but a mode of representing observed facts; it was but a colligation; while the assertion that they are drawn, or tend, towards the sun, was the statement of a new fact, inferred by induction.' Write 'newly known fact' for 'new fact' in the second clause, and it becomes equally applicable to Kepler's discovery.

As little as Kepler's discovery and others which Mill would class with it are 'abstractions' in the ordinary sense, is what he reckons as 'induction proper,' such as Newton's discovery, a 'generalisation' in the ordinary sense, as an inference from some cases to all, from known cases to unknown. Mill says,[2] 'The universe, so far as known to us, is so constituted, that whatever is true in one case is true in all cases of a certain description; the only difficulty is to find what description.' The business of induction, then, it appears, is to find a true and adequate description of the single case, to find the sum of its conditions. This done,

[1] Book III. chap. ii. sec. 5. [2] *Ibid.* chap. iii. sec. 1.

everything is done. Till it is done, generalisation to all like cases may be wholly false, for apparent likeness is compatible with entire diversity of conditions; when it is done, generalisation is purposeless, for the cases to which we extend the generalisation are, if it is to be valid, the same in respect of their conditions with that which is the basis of the generalisation. The only sense in which generalisation, as a process from the observed to the unobserved, has a place in knowledge, is as an anticipation of what results from the combination of conditions already known in their separate, but not in their joint, action, i.e. as the process which Mill calls 'deduction.'

135. The distinction, then, between observation and inference breaks down, as does that between abstraction or description and generalisation, as an account of the difference between the discoveries of Kepler and Newton. There is inference in the simplest observation, if everything is inference which goes beyond sense, for already in such observation there is a determination of phænomena in the strict sense (as = appearances) by conditions consisting in understood relations, and there is no more inference than this in any induction. The true difference between such a 'description' as that of Kepler and such an 'induction' as that of Newton (which, according to Mill's own showing,[1] is only a more complete description), lies in the range of the 'colligation' which they severally imply. The discovery of Kepler enables us to 'colligate' the observed position of the planets; that of Newton (I believe) all motions of bodies whatever. That of Kepler is merely a discovery of the mode in which the positions of planets condition each other; that of Newton is of the dependence of these mutually conditioning positions upon a condition common to all matter.

The wider the colligation, the greater the range of facts unified by a conceived relation, the less becomes the possibility of the relation as conceived by us being other than the relation as it really is, or as it is according to the true conception. Whewell says that often several different conceptions will serve equally well to colligate the same set of observed facts. To which Mill rightly replies[2] that though these several conceptions may serve equally well as a descrip-

[1] [P. 337. See passage quoted on the preceding page from *Mill*, III. iii. 1.]

[2] Book III. chap. ii. sec. 4, note.

tion of the facts, they will not as an explanation of them. The rationale of this is, that a set of facts, though described by their colligation with each other (the statement of their relations as conditioning each other), is only explained by colligation with other sets of facts. In this respect Mill's account of the difference between the discoveries of Kepler and Newton as one between description and explanation may be accepted. Of course a description which does not admit of explanation is not really a true description (though Whewell sometimes writes as if it might be, just as he sometimes writes as if the conception by which facts are united, instead of being a relation belonging to the facts, merely existed *ex parte nostra*). If our conception of the facts were the conception (relation) which really connects them, on the principle that the world is one it would admit of connection with the conception by which other facts are connected under some common conception, i.e. it would admit of explanation. Thus the truth is not that two descriptions may be equally true, two explanations not, but that the more complete colligation is the test of the truth of the less complete. Of two descriptions the untruth of one may be settled by the impossibility of explaining it, i.e. of colligating it with other groups of facts. But the explanation by which the true description is colligated with other facts is only a wider description,[1] which may in turn be found inadequate because not admitting of more complete colligation.

[1] Book III. chap. ii. sec. 4, note.

L. *CAUSATION.*

[Mill, Book III., Chapter V.]

136. It is commonly supposed that there are two views about causation, between which our choice lies; one that it is simply a relation of uniform sequence between one phænomenon and another or others (to 'uniform' some would add 'unconditional,' without supposing that it makes any difference); the other that it consists in a 'mysterious tie' between one phænomenon and another, or in a power exercised either by a natural agent, in virtue of which what is called its effect follows, or by something external to both the nominal cause and the effect, which determines the sequence of one upon the other. In fact, however, though the doctrine of the 'mysterious tie' is always being ascribed by English 'experimentalists' to people whom they call 'transcendentalists,' they never condescend to tell us what 'transcendentalist' in particular holds the doctrine.

Another common notion is that there are two different questions, one as to the nature of causation (the relation of cause and effect) itself, another as to the origin of our idea of causation. Thus there are people who hold that the origin of our idea of causation lies in our consciousness of volition or voluntary effort; in our experience of ability to move muscles, and through them other things, upon a preference. But people who hold this do not (at any rate always) hold that the relation of cause and effect in nature implies such volition on the part of the cause or on the part of an omnipresent agent. There are those, again, who hold that the constancy in the sequence of certain feelings upon others is what gives us the idea of the relation of cause and effect; but who would not admit that this relation itself consists in such constant sequence or in the habit of expectation produced by it; who regard it, on the contrary, as belonging to an objective order of nature on which the sequence of our ideas may depend, but which is not interchangeable with it.

If we think the matter out, however, we shall find that the question of what the relation of cause and effect is in itself is identical with the question of the source of our idea of it. The conception *ex parte nostra* is merely a reproduction, more or less complete, of the conception (or relation) as it really exists.

137. The characteristic of Hume's doctrine as stated by him is, that, according to it, the relation of cause and effect *is* the succession of our impressions and ideas, or an 'impression of reflection' consisting in the habit of expectation derived from this, not an 'objective order' on which the succession of our ideas depends. The sight of flame has constantly been followed by the feeling of heat; hence, upon seeing flame, the idea of heat presents itself involuntarily with great liveliness. In this liveliness and involuntariness with which the feeling of heat is expected upon flame being seen consists, not merely our idea of heat as the effect of flame, but the connexion itself in the way of cause and effect between flame and heat.[1] This, according to Hume, is the account of the connexion between every particular effect and every particular cause. Of any general law of causation Hume (according to his own showing) knows nothing. The only account that he could consistently give of such a law would be that it is the sum of all particular habits of expectation, of the kind just described. To take another illustration (which Hume uses in the 'Essays'). One billiard ball strikes another, and this other moves. There is an immediate sequence in time between the motion of the latter ball and the impact of the former; but there is also an immediate sequence between, e.g., my touching this table and seeing the clock, yet I do not reckon my seeing the clock an effect of my touching the table. In what lies the difference between the two cases? The fact that the succession in the one case has been observed constantly, in the other perhaps never before, makes no difference to the succession or to the events between which the succession obtains. What it does make a difference to is my habit of expectation. If I shut my eyes at the moment of the impact of one ball on the other, I should 'believe in' (have the liveliest possible idea of) an ensuing motion of the other ball. But if I shut my eyes or failed to turn my head at the moment when I touch

[1] See vol. i. *General Introduction to Hume*, sec. 284 ff., especially sec. 292.

this table, no idea of the clock would present itself to me. And in this subjective difference (according to Hume) lies all the difference between a sequence which is, and one which is not, a relation of cause and effect. It is thus not a true account of the matter to say that, according to Hume, the connexion between any cause and any effect consists in the invariable, or even the usual, sequence of the latter upon the former. Hume was acute enough to see that the mere repetition of the succession of events makes no difference to it, as a succession of events; that one sequence in time is exactly like every other, the sequence of the motion of one billiard ball on that of another an exactly similar sequence to that of the sight of the clock upon the touch of the table. What ordinary people really mean when they speak of the relation of cause and effect as invariable sequence is, that the invariability of a sequence is a test that the sequence of events is much more than a mere sequence of events, that it is a sequence so determined by the system of nature as that one event cannot occur without the other; and this implies neither 'power' nor a 'mysterious tie,' on the contrary, it is strictly and solely intelligible. It is such determination, of which invariability is merely a test, which really distinguishes the relation of cause and effect from other sequence. But determination by a system of nature is neither an 'impression' nor an 'idea,' nor a succession of impressions and ideas, nor can it be represented by them; hence, logically, Hume can know nothing of it, and he is so far logical that though he cannot help using language which implies it, he dispenses with it as far as he can,—will not deliberately avail himself of it in his system. Thus, since some difference has to be found between antecedence in the way of causation and other antecedence, and since it cannot be found in any difference which repetition makes to the antecedence as such (one antecedence being like every other), it remains for Hume to find it, as he does, in the feeling of expectation on our part with which the impression of the antecedent is accompanied.

This doctrine could scarcely be adopted by any one who understood what it amounted to. It would follow from it that causation admitted of degrees, as the habit of expectation does. It is sometimes thought that Hume only needed to have been aware of the doctrine of 'hereditary trans-

mission' &c. in order to have stated his doctrine in an unassailable way. The only difference that this could have made to his doctrine would have been that, whereas in its present form it would seem to follow from it that causation was a relation which came gradually into being with each individual's habits of expectation, as reformed by the doctrine of hereditary transmission it would have led to the conclusion that causation was a relation which was gradually coming into being with the growing experience of the human race.

Undoubtedly, according to Hume's doctrine, the relation between day and night would be one of cause and effect, as much as any relation of antecedent and sequent can be. The expectation of night as to follow, which is incidental to the experience of the day, is as strong as any expectation can be.

138. Scientific men often suppose themselves to adopt Hume's doctrine of cause and effect, but in fact they only do so with two alterations, which make it not only quite a different doctrine, but one which could not have been logically arrived at from Hume's premisses. They do *not* hold that the difference between a sequence of one event on another which is, and one which is not, a sequence of effect on cause, lies in the difference that a habit of expectation accompanies the one and not the other. They *do* hold that the reason why invariability is essential to sequence in the way of effect is, not because without invariability the habit of expectation would not be formed, but because a sequence in the way of effect is one determined by a system of nature, so that from any cause only one effect can really follow.

To revert to the distinction between the sequence of the motion of one billiard ball on that of another and the sequence of my sight of that clock on my touch of this table, no scientific man would admit that the difference lay in the fact that the former sequence had constantly been repeated. They regard a sequence between events as one of causation on the first time of its occurrence. In the words of Mill,[1] 'Between the phænomena which exist at any instant, and the phænomena which exist at the succeeding instant, there is an invariable order of succession.' Thus the state of the earth at any time is the effect of its state as

[1] Book III. chap. v. sec. 2.

determined by its relation to the rest of the universe at the immediately preceding time, but neither state has ever occurred before or will ever occur again. 'Invariable,' then, here cannot mean 'invariably repeated,' but only 'which could not be other than it is.'

The residuum of itself, in short, which Hume's doctrine has left in ordinary scientific men is, (*a*) that in the last resort there is nothing in any phænomenon to account for the uniform sequence of another upon it; (*b*) that our notion of, or belief in, causation, as distinct from that relation itself, results from repeated experience (transmitted from generation to generation).

139. (*a*) We find, it is said, that as a matter of fact phænomenon *a* generally follows phænomenon *b*, but that there are exceptions. We seek to explain these in order to find the true cause of *a*, and find that it only follows *b* when *b* itself follows certain other phænomena, and again that *b* only follows these when these occur in a certain sequence, and so on. We never can get beyond the fact that one phænomenon always follows another, or only follows that other when that other follows something else; we never can give a reason why it should be so. When we give a *διότι* for a natural *ὅτι* we are merely stating another *ὅτι*. When we are said to investigate the nature of any phænomenon in order to explain the sequence of another upon it, we are merely ascertaining certain *de facto* sequences which constitute the nature of a complex phænomenon, and for none of these can we in the last resort give a reason.[1]

In this, it is said, lies the difference between 'a cause' and 'a reason,' in the confusion between which the great error of ancient philosophy lay (though Aristotle distinguishes *αἴτιον γνώσεως* and *αἴτιον γενέσεως*.) From a reason you can infer the consequent, from a cause you cannot infer the effect. If one phænomenon has always been found to be followed by another, you will expect upon its occurrence that the usual sequent will follow, and only in that sense do you infer effect from cause.

So Hume said, 'No idea or object considered in itself can give a reason for drawing a conclusion beyond it.' In reasoning, according to him, you do not 'go beyond' a given idea, but merely break it up. But such reasoning

[1] See *Mill*, Book III. chap. xii. sec. 6.

has nothing to do with 'matters of fact'; it merely deals with 'nominal essences.' No 'matter of fact,' according to him, could be 'proven' or 'inferred' or 'deduced' at all. His modern followers are not so strict. If matters of fact cannot be proven, inferred, or deduced, there is an end of inductive logic. Yet the exponents of inductive logic commonly accept the antithesis between 'reason' and 'cause,' between the order of facts and the order of thought, and the doctrine that the relation of cause and effect is only a relation of uniform sequence between phænomena, of which the denial of the possibility of 'proving' or 'inferring' facts is the corollary. 'Can you,' it may be said, 'by any amount of reasoning make known a fact which was not known before? No. But causes and effects are alike matters of fact. Then no cause can be discovered from an effect or any effect from a cause by reasoning, nor can there be anything in any particular cause to account for its particular effect, nor anything in any effect to imply its cause; there can be no reason why one should precede or follow the other.' This is the Humian view, which English empiricists have hitherto supposed themselves to adopt.

140. It is quite true that by 'mere reasoning,' if that means syllogism (the evolution of the content of a given idea or, more properly, of the meaning of a name), no fact, not already known, can be known; but it is equally true that a 'mere fact,' a fact apart from relations which are not sensible, would be no fact, would have no nature, would not admit of anything being known or said about it. No reasoning can yield new experience in the way of feeling, but new experience in the way of feeling merely or by itself is no intelligible fact, no addition to knowledge.

Thus, to Hume's maxim, quoted above, we reply that 'no idea or object' *can* be 'considered in itself'; and just because it cannot, every 'idea and object' (every experience in the way of feeling, every object to which we refer such experience) compels a conclusion beyond it. The '*minimum intelligibile*' in the way of feeling (the only experience which amounts to a knowable fact) is a feeling related to another as a changed appearance or affection of something of which the other was an appearance or affection, whether that 'something' be regarded as a feeling subject or a felt object. The conception of this something developes, as

everything is found to be relative to another and to derive all that it is or has from that relation, till the 'something' becomes 'nature' (of which Lewes has at last discovered that to say that it is uniform is an identical proposition) which remains the same in all its changes.

This *minimum intelligibile*, however, is still unintelligible. The identical changes. Without identity there is no change, yet change contradicts identity. To overcome the contradiction the change must be accounted for. At first the changes seem chaotic. The first thing (*a*) to be done for satisfying that demand for unity, which is the ground of our intelligence and at the same time identical in principle with the unity (the one subject) of the world, is to make out what follows what; the next thing (*b*) is to account for the ascertained uniformity by progressive discovery of its conditions, a discovery which at once further ascertains the uniformity and connects it with other uniformities of change. (No doubt natural philosophy has been held back by the hurry to get to (*b*) without sufficient care in (*a*), and by acquiescence as regards (*b*) in mere verbal explanations or appeals to supposed agencies extra-natural, assumed *ex analogia hominis*.)

Thus, as no real object is a separate object, so no known object, in being known, can be considered by itself. 'What is beyond it' constitutes both its reality and its knowability. Considered in relation to the knowability of the object, 'what is beyond it' is the reason of which the object as known is the consequence; considered in relation to its reality, 'what is beyond it' is the cause of which the object as it exists is the effect. Or, conversely, since the object, so far as known, determines that beyond it which, in knowing it, I am coming to know, and in its existence determines that beyond it which its existence implies, this 'beyond it,' considered in relation to its knowability, is the consequence of which it is the reason, considered in relation to its existence, is the effect of which it is the cause.

141. In short, the absolute antithesis between the relation of reason and consequence and that of cause and effect is part of the false antithesis between thought and reality, which goes along with the reduction of reality to mere individuals, whether 'things' or 'events.' Once apprehend (what is implied in all the teachings of science) that there

are no isolations or separations in nature, that 'individuals' are mere logical fictions (that, strictly, individuality is a logical category which has no reality except in correlation with all other categories), that no event happens which is not determined by, and does not contribute to determine, the whole system of nature; once apprehend this, and the notion that the relation of cause and effect is fitly described as that of an invariably preceding to an invariably following event must be given up. Any effect in its reality = its cause. What is the cause of water? Does this mean the cause of an event consisting in the formation of some water? If so, we must answer that the cause of water is the combination of hydrogen and oxygen in certain proportions. But this combination, which is rightly said to be the cause of the event consisting in that formation, = that event. There is no antecedence in time of cause to effect. If by 'water,' however, is meant a composite chemical substance having certain properties (as in Mill, Book III. chapter x. § 4), then we must say that the cause of water lies in oxygen and hydrogen, as combined in certain proportions, but still there is no antecedence of cause to effect. The cause = the effect, and the effect = the cause. The view of cause, in short, as an event uniformly preceding another event, is incompatible with the definition of it as the sum of the conditions of a phænomenon.

142. 'But,' it may be replied, 'though the cause be not a preceding event, but the sum of conditions, these conditions are all events. Even the "permanent causes" which Mill admits[1] may be reduced to groups of events, sequent or contemporary, as may the "objects" which, according to him, "enter as causes into the sequences called states of those objects."[2] Thus, though the relation of cause and effect may not be resoluble into uniform sequence, it is resoluble into a multitude of sequences and coincidences taken together; and our ultimate analysis cannot get beyond the mere fact, for which no reason can be given, that certain events are simultaneous with, certain events successive upon, certain other events; and our laws of nature are merely summary statements of such simultaneities and successions. Thus the appearance of the phænomenon 'water' is coincident with, not sequent upon, the combination of oxygen

[1] Book III. chap. v. sec. 7. [2] *Ibid.* sec. 4.

and hydrogen; we know no reason why their combination should constitute such an appearance, and though the formation of water is not sequent upon the combination, the characteristic of the formation—that which we mean by distinguishing it as water—is that certain other phænomena will follow. Thus the essence of water consists (*a*) in its formation upon a certain coincidence, and (*b*) in the sequence of certain events upon that formation. Facts of simultaneity and sequence make up its nature, as a wider range of such facts make up all nature.'

143. First let us be clear what coincidence or simultaneity means. It is a designation of events, not, indeed, sequent on each other, but each sequent upon one and the same event in that particular series of recurrent events by which we measure time (the diurnal motion of the sun). A relation of simultaneity, then, just as a relation of sequence, (*a*) implies that the related objects are in time, and (*b*) is only possible for (in relation to) a subject not itself in time, but equally present to the succession of times antecedent to the time at which the simultaneous events occur, and to that time itself. Thus, if all reality were reducible to a multitude of connected successions and simultaneities (we must add 'connected' if such an account of reality is to have any appearance of corresponding with science), there would still be implied a single subject to which all these were relative. And it would still be misleading to speak (as Mill does[1]) of nature as made up of separate uniformities in respect of simultaneity and succession, since this conveys the notion that each uniformity is independent of all the rest; which is to reduce the world to chaos. That which gives its character to any sequence or simultaneity (that character which science seeks to ascertain) is not the number of instances in which the sequence or simultaneity has occurred, though that is what we seem to imply when we make 'uniformity' the differentia of the sequence or simultaneity; (the simultaneity between the appearance of life in a particular part of the earth and the attainment of certain conditions in respect of temperature and otherwise could but occur once, yet it is not the less a determined simultaneity, which could not have been other than it was); it is its relation to the other simultaneities and successions which, if it be so, form the system of nature. Now this relation of all simul-

[1] Book III. chap. iv. sec. 1.

taneities and successions to each other so that one could not be without the rest, which is alone the adequate cause of any phænomenon, is not itself simultaneous with, or successive upon, anything. It is not an event—not in time—and the designations of simultaneity and sequence are only applicable to events.

Thus, admitting it to be true that every 'fact' is a simultaneity or succession of events or appearances, and that the system of nature is the sum of all such 'facts,' still, inasmuch as the system of nature can only = the sum of such facts as determined by relation of all to each other, which is not a relation in the way of time, that which gives it its character (makes it what it is) is not simultaneity or succession or both together, but a unity which is properly eternal (not an event or any number of events), and to which designations appropriate to what is in time are wholly inapplicable. In like manner the relation of cause and effect is not a relation in time, not one to which either 'simultaneity' or 'succession' are applicable. Cause is defined as the 'unconditional antecedent,' but the two terms of the definition are incompatible with each other. You can find no unconditional antecedent short of the whole system of nature (for there are no events of which you can say that one must follow the other though all the conditions of the universe were changed), and to that the term 'antecedence' has no proper application.

144. Hume held that there could properly be no certainty, but only probability, in regard to a relation of cause and effect. With him, as we have seen, the relation itself consists in a lively belief, as distinct from that knowledge of which the only possible object is 'relations of ideas' (i.e. the relation of one idea to another as containing or contained in it, and mathematical relations, according to the doctrine of the *Essays*, which is a return to Locke). Such a lively belief admits of various degrees, according to the amount and uniformity of the experience on which it is founded, but it never reaches certainty. With Mill this distinction between belief and knowledge has disappeared. The relation of cause and effect is an objective relation, the correct copy of which in our minds constitutes certain knowledge, though there may be always some doubt whether we have attained such a copy. At the same time the

relation is supposed to consist in the sequence of one event on another, so that our certainty in regard to it consists in a conviction that the sequence will always continue, 'always' being taken to mean 'unconditionally.' This conviction in regard to any particular sequence is supposed to be based (*a*) on the belief that on every event some other (whatever that other may be) without exception follows, a belief which simply results from our finding in ordinary experience that it always is so; (*b*) on such an examination, governed by that belief, of the complex antecedents of the particular event, as ascertains which of them may be absent without the event ceasing to happen. Those which cannot be so absent are unconditional antecedents.

On this it is to be remarked as regards (*a*), that the experience of the constant sequence of event *c* on event *d* may doubtless lead to the strongest expectation of one on occasion of the other. But how should that cause the belief that *e* will follow *f*, when there has been no constant experience of it, or lead to an interrogation of nature in order to explain the apparent irregularity in the sequence of *e* on *f*? In fact all the attempts to explain 'belief in uniformity,' as resulting from the passive experience of constancy in the sequence of events, presuppose some rudimentary conception of nature. Without this, such experience could only yield a bundle of expectations, of which one might indefinitely strengthen or weaken another, but of which none could afford any explanation of another. With this rudimentary conception (of which the true account is that it is the presence in us as our self-consciousness of the single subject which is presupposed in the possibility of a nature), the several constancies and inconstancies become constantly more and more explanatory of each other. As to (*b*), if the supposition of an unconditional sequence could be arrived at in the way suggested, it would be an unwarranted and misleading one.

ON THE DIFFERENT SENSES OF 'FREEDOM' AS APPLIED TO WILL AND TO THE MORAL PROGRESS OF MAN.

Note of the Editor.

The lectures from which the following extract is taken were delivered in the beginning of 1879, in continuation of the course in which the discussion of Kant's moral theory occurred. The portions here printed are those which were not embodied, at any rate in the same form, in the *Prolegomena to Ethics*. See *Prolegomena to Ethics*, Book ii. ch. i. sec. 100, Editor's note.

ON THE DIFFERENT SENSES OF 'FREEDOM' AS APPLIED TO WILL AND TO THE MORAL PROGRESS OF MAN.

1. Since in all willing a man is his own object, the will is always free. Or, more properly, a man in willing is necessarily free, since willing constitutes freedom,[1] and 'free will' is the pleonasm 'free freedom.' But while it is important to insist upon this, it is also to be remembered that the nature of the freedom really differs—the freedom means quite different things—according to the nature of the object which the man makes his own, or with which he identifies himself. It is one thing when the object in which self-satisfaction is sought is such as to prevent that self-satisfaction being found, because interfering with the realisation of the seeker's possibilities or his progress towards perfection: it is another thing when it contributes to this end. In the former case the man is a free agent in the act, because through his identification of himself with a certain desired object—through his adoption of it as his good—he makes the motive which determines the act, and is accordingly conscious of himself as its author. But in another sense he is not free, because the objects to which his actions are directed are objects in which, according to the law of his being, satisfaction of himself is not to be found. His will to arrive at self-satisfaction not being adjusted to the law which determines where this self-satisfaction is to be found, he may be considered in the condition of a bondsman who is carrying out the will of another, not his own. From this bondage he emerges into real freedom, not by overcoming the law of his being, not

[1] In that sense in which 'freedom' expresses a state of the soul, as distinct from a civil relation.

by getting the better of its necessity,—every fancied effort to do so is but a new exhibition of its necessity,—but by making its fulfilment the object of his will; by seeking the satisfaction of himself in objects in which he believes it *should be* found, and seeking it in them *because* he believes it should be found in them. For the objects so sought, however various otherwise, have the common characteristic that, because they are sought in such a spirit, in them self-satisfaction is to be found; not the satisfaction of this or that desire, or of each particular desire, but that satisfaction, otherwise called peace or blessedness, which consists in the whole man having found his object; which indeed we never experience in its fulness, which we only approach to fall away from it again, but of which we know enough to be sure that we only fail to attain it because we fail to seek it in the fulfilment of the law of our being, because we have not brought ourselves to 'gladly do and suffer what we must.'

To the above statement several objections may be made. They will chiefly turn on two points; (*a*) the use made of the term 'freedom'; (*b*) the view that a man is subject to a law of his being, in virtue of which he at once seeks self-satisfaction, and is prevented from finding it in the objects which he actually desires, and in which he ordinarily seeks it.

2. As to the sense given to 'freedom,' it must of course be admitted that every usage of the term to express anything but a social and political relation of one man to others involves a metaphor. Even in the original application its sense is by no means fixed. It always implies indeed some exemption from compulsion by others, but the extent and conditions of this exemption, as enjoyed by the 'freeman' in different states of society, are very various. As soon as the term 'freedom' comes to be applied to anything else than an established relation between a man and other men, its sense fluctuates much more. Reflecting on their consciousness, on their 'inner life' (i.e. their life as viewed from within), men apply to it the terms with which they are familiar as expressing their relations to each other. In virtue of that power of self-distinction and self-objectification, which he expresses whenever he says 'I,' a man can set over against himself his whole nature or any of its elements, and apply to the relation thus established in thought a term borrowed from relations of outward life. Hence, as in Plato, the terms

'freedom' and 'bondage' may be used to express a relation between the man on the one side, as distinguishing himself from all impulses that do not tend to his true good, and those impulses on the other. He is a 'slave' when they are masters of him, 'free' when master of them. The metaphor in this form was made further use of by the Stoics, and carried on into the doctrines of the Christian Church. Since there is no kind of impulse or interest which a man cannot so distinguish from himself as to present it as an alien power, of which the influence on him is bondage, the particular application of the metaphor is quite arbitrary. It may come to be thought that the only freedom is to be found in a life of absolute detachment from all interests; a life in which the pure ego converses solely with itself or with a God, who is the same abstraction under another name. This is a view into which both saints and philosophers have been apt to fall. It means practically, so far as it means anything, absorption in some one interest with which the man identifies himself in exclusion of all other interests, which he sets over against himself as an influence to be kept aloof.

With St. Paul the application of the metaphor has a special character of its own. With him 'freedom' is specially freedom from the law, from ordinances, from the fear which these inspire,—a freedom which is attained through the communication of what he calls the 'spirit of adoption' or 'sonship.' The law, merely as law or as an external command, is a source of bondage in a double sense. Presenting to man a command which yet it does not give him power to obey, it destroys the freedom of the life in which he does what he likes without recognising any reason why he should not (the state of which St. Paul says 'I was alive without the law once'); it thus puts him in bondage to fear, and at the same time, exciting a wish for obedience to itself which other desires (*φρόνημα σαρκός*) prevent from being accomplished, it makes the man feel the bondage of the flesh. 'What I will, that I do not'; there is a power, the flesh, of which I am the slave, and which prevents me from performing my will to obey the law. Freedom (also called 'peace,' and 'reconciliation') comes when the spirit expressed in the law (for the law is itself 'spiritual' according to St. Paul; the 'flesh' through which it is weak is mine, not the law's) becomes the principle of action in the man. To the man thus delivered,

as St. Paul conceives him, we might almost apply phraseology like Kant's. 'He is free because conscious of himself as the author of the law which he obeys.' He is no longer a servant, but a son. He is conscious of union with God, whose will as an external law he before sought in vain to obey, but whose 'righteousness is fulfilled' in him now that he 'walks after the spirit.' What was before 'a law of sin and death' is now a 'law of the spirit of life.' (See *Epistle to the Romans*, viii.)

3. But though there is a point of connection between St. Paul's conception of freedom and bondage and that of Kant, which renders the above phrase applicable in a certain sense to the 'spiritual man' of St. Paul, yet the two conceptions are very different. Moral bondage with Kant, as with Plato and the Stoics, is bondage to the flesh. The heteronomy of the will is its submission to the impulse of pleasure-seeking, as that of which man is not in respect of his reason the author, but which belongs to him as a merely natural being. A state of bondage to law, as such, he does not contemplate. It might even be urged that Kant's 'freedom' or 'autonomy' of the will, in the only sense in which he supposed it attainable by man, is very much like the state described by St. Paul as that from which the communication of the spirit brings deliverance,—the state in which 'I delight in the law of God after the inward man, but find another law in my members warring with the law of my reason and bringing me into captivity to the law of sin in my members.' For Kant seems to hold that the will is actually 'autonomous,' i.e. determined by pure consciousness of what should be, only in rare acts of the best man. He argues rather for our being conscious of the possibility of such determination, as evidence of an ideal of what the good will is, than for the fact that anyone is actually so determined. And every determination of the will that does not proceed from pure consciousness of what should be he ascribes to the pleasure-seeking which belongs to man merely as a 'Natur-wesen,' or as St. Paul might say 'to the law of sin in his members.' What, it may be asked, is such 'freedom,' or rather such consciousness of the possibility of freedom, worth? May we not apply to it St. Paul's words, 'By the law is the knowledge of sin'? The practical result to the individual of that consciousness of the possibility of freedom which is all that the autonomy of will, as really attainable by

man, according to Kant's view, amounts to, is to make him aware of the heteronomy of his will, of its bondage to motives of which reason is not the author.

4. This is an objection which many of Kant's statements of his doctrine, at any rate, fairly challenge. It was chiefly because he seemed to make freedom [1] an unrealised and unrealisable state, that his moral doctrine was found unsatisfactory by Hegel. Hegel holds that freedom, as the condition in which the will is determined by an object adequate to itself, or by an object which itself as reason constitutes, is realised in the state. He thinks of the state in a way not familiar to Englishmen, a way not unlike that in which Greek philosophers thought of the πόλις, as a society governed by laws and institutions and established customs which secure the common good of the members of the society —enable them to make the best of themselves—and are recognised as doing so. Such a state is 'objective freedom'; freedom is realised in it because in it the reason, the self-determining principle operating in man as his will, has found a perfect expression for itself (as an artist may be considered to express himself in a perfect work of art); and the man who is determined by the objects which the well-ordered state presents to him is determined by that which is the perfect expression of his reason, and is thus free.

5. There is, no doubt, truth in this view. I have already tried to show [2] how the self-distinguishing and self-seeking consciousness of man, acting in and upon those human wants and ties and affections which in their proper human character have as little reality apart from it as it apart from them, gives rise to a system of social relations, with laws, customs, and institutions corresponding; and how in this system the individual's consciousness of the absolutely desirable, of something that should be, of an ideal to be realised in his life, finds a content or object which has been constituted or brought into being by that consciousness itself as working through generations of men; how interests are thus supplied to the man of a more concrete kind than

[1] In the sense of 'autonomy of rational will,' or determination by an object which reason constitutes, as distinct from determination by an object which the man makes his own; this latter determination Kant would have recognised as characteristic of every human act, properly so called.

[2] [In a previous course of lectures. See *Prolegomena to Ethics*, III. iii.]

the interest in fulfilment of a universally binding law because universally binding, but which yet are the product of reason, and in satisfying which he is conscious of attaining a true good, a good contributory to the perfection of himself and his kind. There is thus something in all forms of society that tends to the freedom[1] at least of some favoured individuals, because it tends to actualise in them the possibility of that determination by objects conceived as desirable in distinction from objects momentarily desired, which is determination by reason.[2] To put it otherwise, the effect of his social relations on a man thus favoured is that, whereas in all willing the individual seeks to satisfy himself, this man seeks to satisfy himself, not as one who feels this or that desire, but as one who conceives, whose nature demands, a permanent good. So far as it is thus in respect of his rational nature that he makes himself an object to himself, his will is autonomous. This was the good which the ideal πόλις, as conceived by the Greek philosophers, secured for the true πολίτης, the man who, entering into the idea of the πόλις, was equally qualified ἄρχειν καὶ ἄρχεσθαι. No doubt in the actual Greek πόλις there was some tendency in this direction, some tendency to rationalise and moralise the citizen. Without the real tendency the ideal possibility would not have suggested itself. And in more primitive forms of society, so far as they were based on family or tribal relations, we can see that the same tendency must have been at work, just as in modern life the consciousness of his position as member or head of a family, wherever it exists, necessarily does something to moralise a man. In modern Christendom, with the extension of citizenship, the security of family life to all men (so far as law and police can secure it), the establishment in various forms of Christian fellowship of which the moralising functions grow as those of the magistrate diminish, the number of individuals whom society awakens to interests in objects contributory to human perfection tends to increase. So far the modern state, in that full sense in which Hegel uses the term (as including all the agencies for common good of a law-abiding people), does contribute to the realisation of freedom, if by freedom we understand the autonomy of the will or its determination by

[1] In the sense of 'autonomy of will.'
[2] [This last clause is queried in the MS.]

rational objects, objects which help to satisfy the demand of reason, the effort after self-perfection.

6. On the other hand, it would seem that we cannot significantly speak of freedom except with reference to individual persons; that only in them can freedom be realised; that therefore the realisation of freedom in the state can only mean the attainment of freedom by individuals through influences which the state (in the wide sense spoken of) supplies,—'freedom' here, as before, meaning not the mere self-determination which renders us responsible, but determination by reason, 'autonomy of the will'; and that under the best conditions of any society that has ever been such realisation of freedom is most imperfect. To an Athenian slave, who might be used to gratify a master's lust, it would have been a mockery to speak of the state as a realisation of freedom; and perhaps it would not be much less so to speak of it as such to an untaught and under-fed denizen of a London yard with gin-shops on the right hand and on the left. What Hegel says of the state in this respect seems as hard to square with facts as what St. Paul says of the Christian whom the manifestation of Christ has transferred from bondage into 'the glorious liberty of the sons of God.' In both cases the difference between the ideal and the actual seems to be ignored, and tendencies seem to be spoken of as if they were accomplished facts. It is noticeable that by uncritical readers of St. Paul the account of himself as under the law (in *Romans* vii.), with the 'law of sin in his members warring against the law of his reason,' is taken as applicable to the regenerate Christian, though evidently St. Paul meant it as a description of the state from which the Gospel, the 'manifestation of the Son of God in the likeness of sinful flesh,' set him free. They are driven to this interpretation because, though they can understand St. Paul's account of his deliverance as an account of a deliverance achieved for them but not in them, or as an assurance of what is to be, they cannot adjust it to the actual experience of the Christian life. In the same way Hegel's account of freedom as realised in the state does not seem to correspond to the facts of society as it is, or even as, under the unalterable conditions of human nature, it ever could be; though undoubtedly there is a work of moral liberation, which

society, through its various agencies, is constantly carrying on for the individual.

7. Meanwhile it must be borne in mind that in all these different views as to the manner and degree in which freedom is to be attained, 'freedom' does not mean that the man or will is undetermined, nor yet does it mean mere self-determination, which (unless denied altogether, as by those who take the strictly naturalistic view of human action) must be ascribed equally to the man whose will is heteronomous or vicious, and to him whose will is autonomous; equally to the man who recognises the authority of law in what St. Paul would count the condition of a bondman, and to him who fulfils the righteousness of the law in the spirit of adoption. It means a particular kind of self-determination; the state of the man who lives indeed for himself, but for the fulfilment of himself as a 'giver of law universal' (Kant); who lives for himself, but only according to the true idea of himself, according to the law of his being, 'according to nature' (the Stoics); who is so taken up into God, to whom God so gives the spirit, that there is no constraint in his obedience to the divine will (St. Paul); whose interests, as a loyal citizen, are those of a well-ordered state in which practical reason expresses itself (Hegel). Now none of these modes of self-determination is at all implied in 'freedom' according to the primary meaning of the term, as expressing that relation between one man and others in which he is secured from compulsion. All that is so implied is that a man should have power to do what he wills or prefers. No reference is made to the nature of the will or preference, of the object willed or preferred; whereas according to the usage of 'freedom' in the doctrines we have just been considering, it is not constituted by the mere fact of acting upon preference, but depends wholly on the nature of the preference, upon the kind of object willed or preferred.

8. If it were ever reasonable to wish that the usage of words had been other than it has been (any more than that the processes of nature were other than they are), one might be inclined to wish that the term 'freedom' had been confined to the juristic sense of the power to 'do what one wills': for the extension of its meaning seems to have caused much controversy and confusion. But, after all, this extension

does but represent various stages of reflection upon the self-distinguishing, self-seeking, self-asserting principle, of which the establishment of freedom, as a relation between man and man, is the expression. The reflecting man is not content with the first announcement which analysis makes as to the inward condition of the free man, viz. that he can do what he likes, that he has the power of acting according to his will or preference. In virtue of the same principle which has led him to assert himself against others, and thus to cause there to be such a thing as (outward) freedom, he distinguishes himself from his preference, and asks how he is related to it, whether he determines it or how it is determined. Is he free to will, as he is free to act; or, as the act is determined by the preference, is the preference determined by something else? Thus Locke (*Essay*, II. 21) begins with deciding that freedom means power to do or forbear from doing any particular act upon preference, and that, since the will is merely the power of preference, the question whether the will is free is an unmeaning one (equivalent to the question whether one power has another power); that thus the only proper question is whether a man (not his will) is free, which must be answered affirmatively so far as he has the power to do or forbear, as above. But he recognises the propriety of the question whether a man is free to will as well as to act. He cannot refuse to carry back the analysis of what is involved in a man's action beyond the preference of one possible action to another, and to inquire what is implied in the preference. It is when this latter question is raised, that language which is appropriate enough in a definition of outward or juristic freedom becomes misleading. It having been decided that the man civilly free has power over his actions, to do or forbear according to preference, it is asked whether he has also power to prefer.

9. But while it is proper to ask whether in any particular case a man has power over his actions, because his nerves and limbs and muscles may be acted upon by another person or a force which is not he or his, there is no appropriateness in asking the question in regard to a preference or will, because this cannot be so acted on. If so acted on, it would not be a will or preference. There is no such thing as a will which a man is not conscious of as belonging to himself, no such thing as an act of will which he is not conscious of as

issuing from himself. To ask whether he has power over it, or whether some other power than he determines it, is like asking whether he is other than himself. Thus the question whether a man, having power to act according to his will, or being free to act, has also power over his will, or is free to will, has just the same impropriety that Locke points out in the question whether the will is free. The latter question, on the supposition that there is power to enact the will,—a supposition which is necessarily made by those who raise the ulterior question whether there is power over the will,—is equivalent, as Locke sees, to a question whether freedom is free. For a will which there is power of enacting constitutes freedom, and therefore to ask whether it is free is like asking (to use Locke's instance) whether riches are rich ('rich' being a denomination from the possession of riches, just as 'free' is a denomination from the possession of freedom, in the sense of a will which there is power to enact). But if there is this impropriety in the question whether the will is free, there is an equal one in the question which Locke entertains, viz. whether man is free to will, or has power over his will. It amounts to asking whether a certain power is also a power over itself: or, more precisely, whether a man possessing a certain power—that which we call freedom—has also the same power over that power.

10. It may be said perhaps that we are here pressing words too closely; that it is of course understood, when it is asked whether a man has power over his will, that 'power' is used in a different sense from that which it bears when it is asked whether he has power to enact his will: that 'freedom,' in like manner, is understood to express a different kind of power or relation when we ask whether a man is free to will, and when we ask whether he is free to act. But granting that all this has been understood, the misleading effects of the question in the form under consideration ('Is a man free to will as well as to act?' 'Has he power over his will?') remain written in the history of the 'free-will controversy.' It has mainly to answer for two wrong ways of thinking on the subject; (*a*) for the way of thinking of the determining motive of an act of will, the object willed, as something apart from the will or the man willing, so that in being determined by it the man is supposed not to be self-determined, but to be determined as one natural event by

another, or at best as a natural organism by the forces acting on it: (*b*), for the view that the only way of escaping this conclusion is to regard the will as independent of motives, as a power of deciding between motives without any motive to determine the decision, which must mean without reference to any object willed. A man, having (in virtue of his power of self-distinction and self-objectification) presented his will to himself as something to be thought about, and being asked whether he has power over it, whether he is free in regard to it as he is free against other persons and free to use his limbs and, through them, material things, this way or that, must very soon decide that he is not. His will is himself. His character necessarily shows itself in his will. We have already, in a previous lecture,[1] noticed the practical fallacy involved in a man's saying that he cannot help being what he is, as if he were controlled by external power; but he being what he is, and the circumstances being what they are at any particular conjuncture, the determination of the will is already given, just as an effect is given in the sum of its conditions. The determination of the will might be different, but only through the man's being different. But to ask whether a man has power over determinations of his will, or is free to will as he is to act, as the question is commonly understood and as Locke understood it, is to ask whether, the man being what at any time he is, it is still uncertain (1) whether he will choose or forbear choosing between certain possible courses of action, and (2) supposing him to choose one or other of them, which he will choose.

11. Now we must admit that there is really no such uncertainty. The appearance of it is due to our ignorance of the man and the circumstances. If, however, because this is so, we answer the question whether a man has power over his will, or is free to will, in the negative,[2] we at once suggest the conclusion that something else has power over it, viz. the strongest motive. We ignore the truth that in being determined by a strongest motive, in the only sense in which he is really so determined, the man (as previously

[1] [*Prolegomena to Ethics*, §§ 107, ff.]

[2] Instead of saying (as we should) that it is one of those inappropriate questions to which there is no answer; since a man's will is himself, and 'freedom' and 'power' express relations between a man and something other than himself.

explained)[1] is determined by himself, by an object of his own making, and we come to think of the will as determined like any natural phænomenon by causes external to it. All this is the consequence of asking questions about the relation between a man and his will in terms only appropriate to the relation between the man and other men, or to that between the man and his bodily members or the materials on which he acts through them.

12. On the other side the consciousness of self-determination resists this conclusion; but so long as we start from the question whether a man has power over his will, or is free to will as well as to act, it seems as if the objectionable conclusion could only be avoided by answering this question in the affirmative. But to say that a man has power over determinations of his will is naturally taken to mean that he can change his will while he himself remains the same; that given his character, motives, and circumstances as these at any time are, there is still something else required for the determination of his will; that behind and beyond the will as determined by some motive there is a will, itself undetermined by any motive, that determines what the determining motive shall be,—that 'has power over' his preference or choice, as this has over the motion of his bodily members. But an unmotived will is a will without an object, which is nothing. The power or possibility, beyond any actual determination of the will, of determining what that determination shall be is a mere negation of the actual determination. It is that determination as it becomes after an abstraction of the motive or object willed, which in fact leaves nothing at all. If those moral interests, which are undoubtedly involved in the recognition of the distinction between man and any natural phænomenon, are to be made dependent on belief in such a power or abstract possibility, the case is hopeless.

13. The right way out of the difficulty lies in the discernment that the question whether a man is free to will, or has power over the determinations of his will, is a question to which there is no answer, because it is asked in inappropriate terms; in terms that imply some agency beyond the will which determines what the will shall be (as the will itself is an agency beyond the motions of the muscles which determines what those motions shall be), and that as to this

[1] [See *Prolegomena to Ethics*, § 105.]

agency it may be asked whether it does or does not lie in the man himself. In truth there is no such agency beyond the will and determining how the will shall be determined; not in the man, for the will *is* the self-conscious man; not elsewhere than in the man, not outside him, for the self-conscious man has no outside. He is not a body in space with other bodies elsewhere in space acting upon it and determining its motions. The self-conscious man is determined by objects, which in order to be objects must already be in consciousness, and in order to be *his* objects, the objects which determine him, must already have been made his own. To say that they have power over him or his will, and that he or his will has power over them, is equally misleading. Such language is only applicable to the relation between an agent and patient, when the agent and the patient (or at any rate the agent) can exist separately. But self-consciousness and its object, will and its object, form a single individual unity. Without the constitutive action of man or his will the objects do not exist; apart from determination by some object neither he nor his will would be more than an unreal abstraction.

14. If, however, the question is persisted in, 'Has a man power over the determinations of his will?' we must answer both 'yes' and 'no.' 'No,' in the sense that he is not other than his will, with ability to direct it as the will directs the muscles. 'Yes,' in the sense that nothing external to him or his will or self-consciousness has power over them. 'No,' again, in the sense that, given the man and his object as he and it at any time are, there is no possibility of the will being determined except in one way, for the will is already determined, being nothing else than the man as directed to some object. 'Yes,' in the sense that the determining object is determined by the man or will just as much as the man or will by the object. The fact that the state of the man, on which the nature of his object at any time depends, is a result of previous states, does not affect the validity of this last assertion, since (as we have seen[1]) all these states are states of a self-consciousness from which all alien determination, all determination except through the medium of self-consciousness, is excluded.

15. In the above we have not supposed any account to be

[1] [*Prolegomena to Ethics*, § 102.]

taken of the character of the objects willed in the application to the will itself of the question 'free or not free,' which is properly applied only to an action (motion of the bodily members) or to a relation between one man and other men. Those who unwisely consent to entertain the question whether a man is free to will or has power over determinations of his will, and answer it affirmatively or negatively, consider their answer, whether 'yes' or 'no,' to be equally applicable whatever the nature of the objects willed. If they decide that a man is 'free to will,' they mean that he is so in all cases of willing, whether the object willed be a satisfaction of animal appetite or an act of heroic self-sacrifice; and conversely, if they decide that he is not free to will, they mean that he is not so even in cases when the action is done upon cool calculation or upon a principle of duty, as much as when it is done on impulse or in passion. Throughout the controversy as to free will that has been carried on among English psychologists this is the way in which the question has been commonly dealt with. The freedom, claimed or denied for the will, has been claimed or denied for it irrespectively of those objects willed, on the nature of which the goodness or badness of the will depends.

16. On the other hand, with the Stoics, St. Paul, Kant, and Hegel, as we have seen, the attainment of freedom (at any rate of the reality of freedom, as distinct from some mere possibility of it which constitutes the distinctive human nature) depends on the character of the objects willed. In all these ways of thinking, however variously the proper object of will is conceived, it is only as directed to this object, and thus (in Hegelian language) corresponding to its idea, that the will is supposed to be free. The good will is free, not the bad will. Such a view of course implies some element of identity between good will and bad will, between will as not yet corresponding to its idea and will as so corresponding. St. Paul indeed, not being a systematic thinker and being absorbed in the idea of divine grace, is apt to speak as if there were nothing in common between the carnal or natural man (the will as in bondage to the flesh) and the spiritual man (the will as set free); just as Plato commonly ignores the unity of principle in all a man's actions, and represents virtuous actions as coming from the God in man, vicious actions from the beast. Kant and Hegel, however,—

though they do not consider the will as it is in every man, good and bad, to be free; though Kant in his later ethical writings, and Hegel (I think) always, confine the term 'Wille' to the will as having attained freedom or come to correspond to its idea, and apply the term 'Willkür' to that self-determining principle of action which belongs to every man and is in their view the mere possibility, not actuality, of freedom,—yet quite recognise what has been above insisted on as the common characteristic of all willing, the fact that it is not a determination from without, like the determination of any natural event or agent, but the realisation of an object which the agent presents to himself or makes his own, the determination by an object of a subject which itself consciously determines that object; and they see that it is only for a subject free in this sense ('an sich' but not 'für sich,' δυνάμει but not ἐνεργείᾳ) that the reality of freedom can exist.

17. Now the propriety or impropriety of the use of 'freedom' to express the state of the will, not as directed to any and every object, but only to those to which, according to the law of nature or the will of God or its 'idea,' it should be directed, is a matter of secondary importance. This usage of the term is, at any rate, no more a departure from the primary or juristic sense than is its application to the will as distinct from action in any sense whatever. And certainly the unsophisticated man, as soon as the usage of 'freedom' to express exemption from control by other men and ability to do as he likes is departed from, can much more readily assimilate the notion of states of the inner man described as bondage to evil passions, to terrors of the law, or on the other hand as freedom from sin and law, freedom in the consciousness of union with God, or of harmony with the true law of one's being, freedom of true loyalty, freedom in devotion to self-imposed duties, than he can assimilate the notion of freedom as freedom to will anything and everything, or as exemption from determination by motives, or the constitution by himself of the motives which determine his will. And there is so far less to justify the extension of the usage of the term in these latter ways than in the former. It would seem indeed that there is a real community of meaning between 'freedom' as expressing the condition of a citizen of a civilised state, and 'freedom' as expressing the condition of a man who is inwardly 'master of himself.'

That is to say, the practical conception by a man ('practical' in the sense of having a tendency to realise itself) of a self-satisfaction to be attained in his becoming what he should be, what he has it in him to be, in fulfilment of the law of his being,—or, to vary the words but not the meaning, in attainment of the righteousness of God, or in perfect obedience to self-imposed law,—this practical conception is the outcome of the same self-seeking principle which appears in a man's assertion of himself against other men and against nature ('against other men,' as claiming their recognition of him as being what they are; 'against nature,' as able to use it). This assertion of himself is the demand for freedom, freedom in the primary or juristic sense of power to act according to choice or preference. So far as such freedom is established for any man, this assertion of himself is made good; and such freedom is precious to him because it is an achievement of the self-seeking principle. It is a first satisfaction of its claims, which is the condition of all other satisfaction of them. The consciousness of it is the first form of self-enjoyment, of the joy of the self-conscious spirit in itself as in the one object of absolute value.

18. This form of self-enjoyment, however, is one which consists essentially in the feeling by the subject of a possibility rather than a reality, of what it has it in itself to become, not of what it actually is. To a captive on first winning his liberty, as to a child in the early experience of power over his limbs and through them over material things, this feeling of a boundless possibility of becoming may give real joy; but gradually the sense of what it is not, of the very little that it amounts to, must predominate over the sense of actual good as attained in it. Thus to the grown man, bred to civil liberty in a society which has learnt to make nature its instrument, there is no self-enjoyment in the mere consciousness of freedom as exemption from external control, no sense of an object in which he can satisfy himself having been obtained.

Still, just as the demand for and attainment of freedom from external control is the expression of that same self-seeking principle from which the quest for such an object proceeds, so 'freedom' is the natural term by which the man describes such an object to himself,—describes to himself the state in which he shall have realised his ideal of

himself, shall be at one with the law which he recognises as that which he ought to obey, shall have become all that he has it in him to be, and so fulfil the law of his being or 'live according to nature.' Just as the consciousness of an unattainable ideal, of a law recognised as having authority but with which one's will conflicts, of wants and impulses which interfere with the fulfilment of one's possibilities, is a consciousness of impeded energy, a consciousness of oneself as for ever thwarted and held back, so the forecast of deliverance from these conditions is as naturally said to be a forecast of 'freedom' as of 'peace' or 'blessedness.' Nor is it merely to a select few, and as an expression for a deliverance really (as it would seem) unattainable under the conditions of any life that we know, but regarded by saints as secured for them in another world, and by philosophers as the completion of a process which is eternally complete in God, that 'freedom' commends itself. To any popular audience interested in any work of self-improvement (e.g. to a temperance-meeting seeking to break the bondage to liquor), it is as an effort to attain freedom that such work can be most effectively presented. It is easy to tell such people that the term is being misapplied; that they are quite 'free' as it is, because every one can do as he likes so long as he does not prevent another from doing so; that in any sense in which there is such a thing as 'free will,' to get drunk is as much an act of free will as anything else. Still the feeling of oppression, which always goes along with the consciousness of unfulfilled possibilities, will always give meaning to the representation of the effort after any kind of self-improvement as a demand for 'freedom.'

19. The variation in the meaning of 'freedom' having been thus recognised and accounted for, we come back to the more essential question as to the truth of the view which underlies all theories implying that freedom is in some sense the goal of moral endeavour; the view, namely, that there is some will in a man with which many or most of his voluntary actions do not accord, a higher self that is not satisfied by the objects which yet he deliberately pursues. Some such notion is common to those different theories about freedom which in the rough we have ascribed severally to the Stoics, St. Paul, Kant, and Hegel. It is the same notion

which was previously[1] put in the form, 'that a man is subject to a law of his being, in virtue of which he at once seeks self-satisfaction, and is prevented from finding it in the objects which he actually desires, and in which he ordinarily seeks it.' 'What can this mean?' it may be asked. 'Of course we know that there are weak people who never succeed in getting what they want, either in the sense that they have not ability answering to their will, or that they are always wishing for something which yet they do not will. But it would not be very appropriate to apply the above formula to such people, for the man's will to attain certain objects cannot be ascribed to the same law of his being as the lack of ability to attain them, nor his wish for certain objects to the same law of his being as those stronger desires which determine his will in a contrary direction. At any rate, if the proposition is remotely applicable to the man who is at once selfish and unsuccessful, how can it be true in any sense either of the man who is at once selfish and succeeds, who gets what he wants (as is unquestionably the case with many people who live for what *a priori* moralists count unworthy objects), or of the man who 'never thinks about himself at all'? So far as the proposition means anything, it would seem to represent Kant's notion, long ago found unthinkable and impossible, the notion of there being two wills or selves in a man, the 'pure' will or ego and the 'empirical' will or ego, the pure will being independent of a man's actual desires and directed to the fulfilment of a universal law of which it is itself the giver, the empirical will being determined by the strongest desire and directed to this or that pleasure. In this proposition the 'objects which the man actually desires and in which he ordinarily seeks satisfaction' are presumably objects of what Kant called the 'empirical will,' while the 'law of his being' corresponds to Kant's 'pure ego.' But just as Kant must be supposed to have believed in some identity between the pure and empirical will, as implied in the one term 'will,' though he does not explain in what this identity consists, so the proposition before us apparently ascribes man's quest for self-satisfaction as directed to certain objects, to the same law of his being which prevents it from finding it there. Is not this nonsense?'

[1] [Above, section 1.]

20. To such questions we answer as follows. The proposition before us, like all the theories of moral freedom which we have noticed, undoubtedly implies that the will of every man is a form of one consciously self-realising principle, which at the same time is not truly or fully expressed in any man's will. As a form of this self-realising principle it may be called, if we like, a 'pure ego' or 'the pure ego' of the particular person; as directed to this or that object in such a way that it does not truly express the self-realising principle of which it is a form, it may be called the 'empirical ego' of that person. But if we use such language, it must be borne in mind that the pure and empirical egos are still not two egos but one ego; the pure ego being the self-realising principle considered with reference either to its idea, its possibility, what it has in itself to become, the law of its being, or to some ultimate actualisation of this possibility; the empirical ego being the same principle as it appears in this or that state of character, which results from its action, but does not represent that which it has in itself to become, does not correspond to its idea or the law of its being. By a consciously self-realising principle is meant a principle that is determined to action by the conception of its own perfection, or by the idea of giving reality to possibilities which are involved in it and of which it is conscious as so involved; or, more precisely, a principle which at each stage of its existence is conscious of a more perfect form of existence as possible for itself, and is moved to action by that consciousness. We must now explain a little more fully how we understand the relation of the principle in question to what we call our wills and our reason,—the will and reason of this man and that,—and how we suppose its action to constitute the progress of morality.

21. By 'practical reason' we mean a consciousness of a possibility of perfection to be realised in and by the subject of the consciousness. By 'will' we mean the effort of a self-conscious subject to satisfy itself. In God, so far as we can ascribe reason and will to Him, we must suppose them to be absolutely united. In Him there can be no distinction between possibility and realisation, between the idea of perfection and the activity determined by it. But in men the self-realising principle, which is the manifestation of God in the world of becoming, in the form which it takes

as will at best only *tends* to reconciliation with itself in the form which it takes as reason. Self-satisfaction, the pursuit of which is will, is sought elsewhere than in the realisation of that consciousness of possible perfection, which is reason. In this sense the object of will does not coincide with the object of reason. On the other hand, just because it is self-satisfaction that is sought in all willing, and because by a self-conscious and self-realising subject it is only in the attainment of its own perfection that such satisfaction can be found, the object of will is intrinsically or potentially, and tends to become actually, the same as that of reason. It is this that we express by saying that man is subject to a law of his being which prevents him from finding satisfaction in the objects in which under the pressure of his desires it is his natural impulse to seek it. This 'natural impulse' (not strictly 'natural') is itself the result of the operation of the self-realising principle upon what would otherwise be an animal system, and is modified, no doubt, with endless complexity in the case of any individual by the result of such operation through the ages of human history. But though the natural impulses of the will are thus the work of the self-realising principle in us, it is not in their gratification that this principle can find the satisfaction which is only to be found in the consciousness of becoming perfect, of realising what it has it in itself to be. In order to any approach to this satisfaction of itself the self-realising principle must carry its work farther. It must overcome the 'natural impulses,' not in the sense of either extinguishing them or denying them an object, but in the sense of fusing them with those higher interests, which have human perfection in some of its forms for their object. Some approach to this fusion we may notice in all good men; not merely in those in whom all natural passions, love, anger, pride, ambition, are enlisted in the service of some great public cause, but in those with whom such passions are all governed by some such commonplace idea as that of educating a family.

22. So far as this state is reached, the man may be said to be reconciled to 'the law of his being' which (as was said above) prevents him from finding satisfaction in the objects in which he ordinarily seeks it, or anywhere but in the realisation in himself of an idea of perfection. Since the

law is, in fact, the action of that self-realising subject which is his self, and which exists in God as eternally self-realised, he may be said in this reconciliation to be at peace at once with himself and with God.

Again, he is 'free,' (1) in the sense that he is the author of the law which he obeys (for this law is the expression of that which is his self), and that he obeys it because conscious of himself as its author; in other words, obeys it from that impulse after self-perfection which is the source of the law or rather constitutes it. He is 'free' (2) in the sense that he not merely 'delights in the law after the inward man' (to use St. Paul's phrase), while his natural impulses are at once thwarted by it and thwart him in his effort to conform to it, but that these very impulses have been drawn into its service, so that he is in bondage neither to it nor to the flesh.

From the same point of view we may say that his will is 'autonomous,' conforms to the law which the will itself constitutes, because the law (which prevents him from finding satisfaction anywhere but in the realisation in himself of an idea of perfection) represents the action in him of that self-realising principle of which his will is itself a form. There is an appearance of equivocation, however, in this way of speaking, because the 'will' which is liable not to be autonomous, and which we suppose gradually to approach autonomy in the sense of conforming to the law above described, is not this self-realising principle in the form in which this principle involves or gives the law. On the contrary, it is the self-realising principle as constituting that effort after self-satisfaction in each of us which is liable to be and commonly is directed to objects which are not contributory to the realisation of the idea of perfection,—objects which the self-realising principle accordingly, in the fulfilment of its work, has to set aside. The equivocation is pointed out by saying, that the good will is 'autonomous' in the sense of conforming to a law which the will itself, *as reason*, constitutes; which is, in fact, a condensed way of saying, that the good will is the will of which the object coincides with that of practical reason; that will has its source in the same self-realising principle which yields that consciousness of a possible self-perfection which we call reason, and that it can only correspond to its idea, or become what it has the possi-

bility of becoming, in being directed to the realisation of that consciousness.

23. According to the view here taken, then, reason and will, even as they exist in men, are one in the sense that they are alike expressions of one self-realising principle. In God, or rather in the ideal human person as he really exists in God, they are actually one; i.e. self-satisfaction is for ever sought and found in the realisation of a completely articulated or thoroughly filled idea of the perfection of the human person. In the historical man—in the men that have been and are coming to be—they *tend* to unite. In the experience of mankind, and again in the experience of the individual as determined by the experience of mankind, both the idea of a possible perfection of man, the idea of which reason is the faculty, and the impulse after self-satisfaction which belongs to the will, undergo modifications which render their reconciliation in the individual (and it is only in individuals that they can be reconciled, because it is only in them that they exist) more attainable. These modifications may be stated summarily as (1) an increasing concreteness in the idea of human perfection; its gradual development from the vague inarticulate feeling that there is such a thing into a conception of a complex organisation of life, with laws and institutions, with relationships, courtesies, and charities, with arts and graces through which the perfection is to be attained; and (2) a corresponding discipline, through inheritance and education, of those impulses which may be called 'natural' in the sense of being independent of any conscious direction to the fulfilment of an idea of perfection. Such discipline does not amount to the reconciliation of will and reason; it is not even, properly speaking, the beginning of it; for the reconciliation only begins with the direction of the impulse after self-satisfaction to the realisation of an idea of what should be, as such (*because* it should be); and no discipline through inheritance or education, just because it is only impulses that are natural (in the sense defined) which it can affect, can bring about this direction, which, in theological language, must be not of nature, but of grace. On the contrary, the most refined impulses may be selfishly indulged; i.e. their gratification may be made an object in place of that object which consists in the realisation of the idea of perfection. But unless a discipline and refinement of the natural

impulses, through the operation of social institutions and arts, went on *pari passu* with the expression of the idea of perfection in such institutions and arts, the direction of the impulses of the individual by this idea, when in some form or other it has been consciously awakened in him, would be practically impossible. The moral progress of mankind has no reality except as resulting in the formation of more perfect individual characters; but on the other hand every progress towards perfection on the part of the individual character presupposes some embodiment or expression of itself by the self-realising principle in what may be called (to speak most generally) the organisation of life. It is in turn, however, only through the action of individuals that this organisation of life is achieved.

24. Thus the process of reconciliation between will and reason,—the process through which each alike comes actually to be or to do what it is and does in possibility, or according to its idea, or according to the law of its being,—so far as it comes within our experience may be described as follows. A certain action of the self-realising principle, of which individuals susceptible in various forms to the desire to better themselves have been the media, has resulted in conventional morality; in a system of recognised rules (whether in the shape of law or custom) as to what the good of society requires, which no people seem to be wholly without. The moral progress of the individual, born and bred under such a system of conventional morality, consists (1) in the adjustment of the self-seeking principle in him to the requirements of conventional morality, so that the modes in which he seeks self-satisfaction are regulated by the sense of what is expected of him. This adjustment (which it is the business of education to effect) is so far a determination of the will as in the individual by objects which the universal or national human will, of which the will of the individual is a partial expression, has brought into existence, and is thus a determination of the will by itself. It consists (2) in a process of reflection, by which this feeling in the individual of what is expected of him becomes a conception (under whatever name) of something that universally should be, of something absolutely desirable, of a single end or object of life. The content of this conception may be no more than what was already involved in the individual's feeling of what

is expected of him; that is to say, if called upon to state in detail what it is that has to be done for the attainment of the absolute moral end or in obedience to the law of what universally should be, he might only be able to specify conduct which, apart from any such explicit conception, he felt was expected of him. For all that there is a great difference between feeling that a certain line of conduct is expected of me and conceiving it as a form of a universal duty. So long as the requirements of established morality are felt in the former way, they present themselves to the man as imposed from without. Hence, though they are an expression of practical reason, as operating in previous generations of men, yet, unless the individual conceives them as relative to an absolute end common to him with all men, they become antagonistic to the practical reason which operates in him, and which in him is the source at once of the demand for self-satisfaction and of the effort to find himself in, to carry his own unity into, all things presented to him. Unless the actions required of him by 'the divine law, the civil law, and the law of opinion or reputation' (to use Locke's classification) tend to realise his own idea of what should be or is good on the whole, they do not form an object which, as contemplated, he can harmonise with the other objects which he seeks to understand, nor, as a practical object, do they form one in the attainment of which he can satisfy himself. Hence before the completion of the process through which the individual comes to conceive the performance of the actions expected of him under the general form of a duty which in the freedom of his own reason he recognises as binding, there is apt to occur a revolt against conventional morality. The issue of this may either be an apparent suspension of the moral growth of the individual, or a clearer apprehension of the spirit underlying the letter of the obligations laid on him by society, which makes his rational recognition of duty, when arrived at, a much more valuable influence in promoting the moral growth of society.

25. Process (2), which may be called a reconciliation of reason with itself, because it is the appropriation by reason as a personal principle in the individual of the work which reason, acting through the media of other persons, has already achieved in the establishment of conventional morality, is the condition of the third stage in which the moral progress of

the individual consists; viz. the growth of a personal interest in the realisation of an idea of what should be, in doing what is believed to contribute to the absolutely desirable, or to human perfection, because it is believed to do so. Just so far as this interest is formed, the reconciliation of the two modes in which the practical reason operates in the individual is effected. The demand for self-satisfaction (practical reason as the will of the individual) is directed to the realisation of an ideal object, the conceived 'should be,' which practical reason as our reason constitutes. The 'autonomy of the will' is thus attained in a higher sense than it is in the 'adjustment' described under (1), because the objects to which it is directed are not merely determined by customs and institutions which are due to the operation of practical reason in previous ages, but are embodiments or expressions of the conception of what absolutely should be as formed by the man who seeks to satisfy himself in their realisation. Indeed, unless in the stage of conformity to conventional morality the principle of obedience is some feeling (though not a clear conception) of what should be, of the desirable as distinct from the desired,—if it is merely fear of pain or hope of pleasure,—there is no approach to autonomy of the will or moral freedom in the conformity. We must not allow the doctrine that such freedom consists in a determination of the will by reason, and the recognition of the truth that the requirements of conventional morality are a product of reason as operating in individuals of the past, to mislead us into supposing that there is any moral freedom, or anything of intrinsic value, in the life of conventional morality as governed by 'interested motives,' by the desire, directly or indirectly, to obtain pleasure. There can be no real determination of the will by reason unless both reason and will are operating in one and the same person. A will is not really anything except as the will of a person, and, as we have seen, a will is not really determinable by anything foreign to itself: it is only determinable by an object which the person willing makes his own. As little is reason really anything apart from a self-conscious subject, or as other than an idea of perfection to be realised in and by such a subject. The determination of will by reason, then, which constitutes moral freedom or autonomy, must mean its determination by an object which a person willing, in virtue of his reason, presents

to himself, that object consisting in the realisation of an idea of perfection in and by himself. Kant's view that the action which is merely 'pflichtmässig,' not done 'aus Pflicht,' is of no moral value in itself, whatever may be its possible value as a means to the production of the will which does act 'aus Pflicht,' is once for all true, though he may have taken too narrow a view of the conditions of actions done 'aus Pflicht,' especially in supposing (as he seems to do) that it is necessary to them to be done painfully. There is no determination of will by reason, no moral freedom, in conformity of action to rules of which the establishment is due to the operation of reason or the idea of perfection in men, unless the principle of conformity in the persons conforming is that idea itself in some form or other.

LECTURES ON THE PRINCIPLES OF POLITICAL OBLIGATION.

Note of the Editor.

These lectures, which are partly critical and partly expository, treat of the moral grounds upon which the state is based and upon which obedience to the law of the state is justified. They were delivered in 1879–80, following upon the course from which the discussion of Kant's moral theory in this volume is taken. The two courses are directly connected, civil institutions being throughout regarded as the external expression of the moral progress of mankind, and as supplying the material through which the idea of perfection must be realised.

As is implied in section 5, the inquiry into the nature of political obligation forms part of a wider inquiry into the concrete forms of morality in general, 'the detail of goodness.' The lecturer had intended to complete the course by a consideration of 'social virtues' and 'moral sentiments'; but this intention was not carried out. (See section 251.)

LECTURES ON THE PRINCIPLES OF POLITICAL OBLIGATION.

A. *THE GROUNDS OF POLITICAL OBLIGATION.*

1. The subject of this course of lectures is the principles of political obligation; and that term is intended to include the obligation of the subject towards the sovereign, the obligation of the citizen towards the state, and the obligation of individuals to each other as enforced by a political superior. My purpose is to consider the moral function or object served by law, or by the system of rights and obligations which the state enforces, and in so doing to discover the true ground or justification for obedience to law. My plan will be (1) to state in outline what I consider the true function of law to be, this being at the same time the true ground of our moral duty to obey the law; and throughout I distinguish moral duty from legal obligation; (2) to examine the chief doctrines of political obligation that have been current in modern Europe, and by criticising them to bring out more clearly the main points of a truer doctrine; (3) to consider in detail the chief rights and obligations enforced in civilised states, inquiring what is their justification, and what is the ground for respecting them on the principle stated.

2. In previous lectures I have explained what I understand moral goodness to be, and how it is possible that there should be such a thing; in other words, what are the conditions on the part of reason and will which are implied in our being able to conceive moral goodness as an object to be aimed at, and to give some partial reality to the conception. Our results on this question may be briefly stated as follows.

The highest moral goodness we found was an attribute of character, in so far as it issued in acts done for the sake

of their goodness, not for the sake of any pleasure or any satisfaction of desire which they bring to the agent. But it is impossible that an action should be done for the sake of its goodness, unless it has been previously contemplated as good for some other reason than that which consists in its being done for the sake of its goodness. It must have been done, or conceived as possible to be done, and have been accounted good, irrespectively of the being done from this which we ultimately come to regard as the highest motive. In other words, a prior morality, founded upon interests which are other than the pure interest in being good, and governed by rules of conduct relative to a standard of goodness other than that which makes it depend on this interest, is the condition of there coming to be a character governed by interest in an ideal of goodness. Otherwise this ideal would be an empty one; it would be impossible to say what the good actions were, that were to be done for the sake of their goodness; and the interest in this ideal would be impossible, since it would be an interest without an object.

3. When, however, morality of the latter kind has come to be recognised as the highest or the only true morality, the prior morality needs to be criticised from the point of view thus gained. Those interests, other than the interest in being good, which form the motives on the part of the individual on which it rests, will not indeed be rejected as of no moral value; for no one can suppose that without them, or except as regulating them, the pure interest in being good could determine conduct at all. But they will be estimated according to their value as leading up to, or as capable of becoming elements in, a character in which this interest is the governing principle. Again, those rules of conduct, according to which the terms right and wrong, good and bad, are commonly applied, and which, as was just now said, are relative to a standard certainly not founded on the conception of the good as consisting in the character described, are not indeed to be rejected; for without them there would be nothing to define the duties which the highest character is prepared to do for their own sake. But they have to be revised according to a method which inquires into their rationale or justification, as conditions of approximation to the highest character.

4. Such a criticism of moral interests—of the general motives which determine moral conduct and regulate such moral approbation or disapprobation as is not based on a strict theory of moral good—may be called by the name of 'a theory of moral sentiments.' The criticism of recognised rules of conduct will fall under two heads, according as these rules are embodied in positive law (law of which the observance is enforced on the individual by a political superior), or only form part of the 'law of opinion' (part of what the individual feels to be expected of him by some person or persons to whose expectations he ought to conform).

5. Moral interests are so greatly dependent on generally recognised rules of conduct that the criticism of the latter should come first. The law of opinion, again, in so many ways presupposes a social fabric supported by 'positive' law, that we can only fairly take account of it when we have considered the moral value and justifiability of the fabric so supported. I propose therefore to begin our inquiry into the detail of goodness—into the particular kinds of conduct which the man wishing to do good for the sake of its goodness is entitled to count good—by considering what is of permanent moral value in the institutions of civil life, as established in Europe; in what way they have contributed and contribute to the possibility of morality in the higher sense of the term, and are justified, or have a moral claim upon our loyal conformity, in consequence.

6. The condition of a moral life is the possession of will and reason. Will is the capacity in a man of being determined to action by the idea of a possible satisfaction of himself. An act of will is an action so determined. A state of will is the capacity as determined by the particular objects in which the man seeks self-satisfaction; and it becomes a character in so far as the self-satisfaction is habitually sought in objects of a particular kind. Practical reason is the capacity in a man of conceiving the perfection of his nature as an object to be attained by action. All moral ideas have their origin in reason, i.e. in the idea of a possible self-perfection to be attained by the moral agent. This does not mean that the moral agent in every stage of his progress could state this idea to himself in an abstract form, any more than in every stage in the acquisition of

knowledge about nature a man can state to himself in an abstract form the conception of the unity of nature, which yet throughout conditions the acquisition of his knowledge. Ideas do not first come into existence, or begin to operate, upon the formation of an abstract expression for them. This expression is only arrived at upon analysis of a concrete experience, which they have rendered possible. Thus we only learn to express the idea of self-perfection in that abstract form upon an analysis of an experience of self-improvement which we have ourselves gone through, and which must have been gone through by those with whom we are connected by the possession of language and an organisation of life, however elementary: but the same analysis shows that the same idea must have been at work to make such experience possible. In this idea all particular moral ideas—all ideas of particular forms of conduct as estimable—originate, though an abstract expression for the latter is arrived at much sooner than such an expression for the idea in which they originate. They arise, as the individual's conception of the society on the well-being of which his own depends, and of the constituents of that well-being, becomes wider and fuller; and they are embodied in the laws, institutions, and social expectation, which make conventional morality. This embodiment, again, constitutes the moral progress of mankind. This progress, however, is only a *moral* progress in so far as it tends to bring about the harmony of will and reason, in the only form in which it can really exist, viz. in the characters of persons. And this result is actually achieved, in so far as upon habits disciplined by conformity to conventional morality there supervenes an intelligent interest in some of the objects contributory to human perfection, which that conventional morality subserves, and in so far as that interest becomes the dominant interest of the character.

7. The value then of the institutions of civil life lies in their operation as giving reality to these capacities of will and reason, and enabling them to be really exercised. In their general effect, apart from particular aberrations, they render it possible for a man to be freely determined by the idea of a possible satisfaction of himself, instead of being driven this way and that by external forces, and thus they give reality to the capacity called will: and they enable

him to realise his reason, i.e. his idea of self-perfection, by acting as a member of a social organisation in which each contributes to the better-being of all the rest. So far as they do in fact thus operate they are morally justified, and may be said to correspond to the 'law of nature,' the *jus naturæ*, according to the only sense in which that phrase can be intelligibly used.

8. There has been much controversy as to what the *jus naturæ* ('Naturrecht') really is, or whether there is such a thing at all. And the controversy, when it comes to be dealt with in English, is further embarrassed by the fact that we have no one term to represent the full meaning of 'jus' or 'Recht,' as a system of correlative rights and obligations, actually enforced or that should be enforced by law. But the essential questions are: (1) whether we are entitled to distinguish the rights and obligations which are anywhere actually enforced by law from rights and obligations which really exist though not enforced; and (2), if we are entitled to do so, what is to be our criterion of rights and obligations which are really valid, in distinction from those that are actually enforced.

9. No one would seriously maintain that the system of rights and obligations, as it is anywhere enforced by law, —the 'jus' or 'Recht' of any nation—is all that it ought to be. Even Hobbes holds that a law, though it cannot be unjust, may be pernicious. But there has been much objection to the admission of *natural* rights and obligations. At any rate the phrase is liable to misinterpretation. It may be taken to imply that rights and obligations can exist in a 'state of nature'—a state in which every individual is free to do as he likes—; that legal rights and obligations derive their authority from a voluntary act by which individuals contracted themselves out of this state; and that the individual retains from the state of nature certain rights with which no legal obligations ought to conflict. Such a doctrine is generally admitted to be untenable; but it does not follow from this that there is not a true and important sense in which natural rights and obligations exist,—the same sense as that in which duties may be said to exist though unfulfilled. There is a system of rights and obligations which *should be* maintained by law, whether it is so or not, and which may properly be called 'natural'; not in the sense in

which the term 'natural' would imply that such a system ever did exist or could exist independently of force exercised by society over individuals, but 'natural' because necessary to the end which it is the vocation of human society to realise.

10. The 'jus naturæ,' thus understood, is at once distinguished from the sphere of moral duty, and relative to it. It is distinguished from it because admitting of enforcement by law. Moral duties do not admit of being so enforced. The question sometimes put, whether moral duties should be enforced by law, is really an unmeaning one; for they simply cannot be enforced. They are duties to act, it is true, and an act can be enforced: but they are duties to act from certain dispositions and with certain motives, and these cannot be enforced. Nay, the enforcement of an outward act, the moral character of which depends on a certain motive and disposition, may often contribute to render that motive and disposition impossible: and from this fact arises a limitation to the proper province of law in enforcing acts, which will have to be further considered below. When obligations then are spoken of in this connection, as part of the 'jus naturæ' correlative to rights, they must always be understood not as moral duties, not as relative to states of will, but as relative to outward acts, of which the performance or omission can and should be enforced. There is a moral duty to discharge such obligations, and to do so in a certain spirit, but the obligation is such as that with which law has to do or may have to do, is relative to an outward act merely, and does not amount to a moral duty. There is a moral duty in regard to obligations, but there can be no obligation in regard to moral duties. Thus the 'jus naturæ' —the system of rights and obligations, as it should become no less than as it actually is maintained—is distinct from morality in the proper sense. But it is relative to it. This is implied in saying that there is a moral duty in regard to actual obligations, as well as in speaking of the system of rights and obligations as it should become. If such language is justifiable, there must be a moral ground both for conforming to, and for seeking to develope and improve, established 'Recht'; a moral ground which can only lie in the moral end served by that established system.

11. Thus we begin the ethical criticism of law with two principles:—(1) that nothing but external acts can be

matter of 'obligation' (in the restricted sense); and (2) that, in regard to that which can be made matter of obligation, the question what should be made matter of obligation —the question how far rights and obligations, as actually established by law, correspond to the true 'jus naturæ'— must be considered with reference to the moral end, as serving which alone law and the obligations imposed by law have their value.[1]

12. Before proceeding, some remarks have to be made as to what is implied in these principles. (*a*) Does the law, or is it possible that it should, confine its view to external acts? What exactly is meant by an external act? In the case of obligations which I am legally punishable for disregarding, the law, in deciding whether punishment is or is not due, takes account of much beside the external act; and this implies that much beside external action is involved in legal obligation. In the case where the person or property of another is damaged by me, the law does not inquire merely whether the act of damage was done, and done by means of my bodily members, but whether it was done intentionally; and if not done with the direct intention of inflicting the damage, whether the damage arose in a manner that might have been foreseen out of something which I did intend to do: whether, again, if it was done quite accidentally the

[1] There are two definitions of 'Recht' or 'jus naturæ,' quoted by Ulrici (*Naturrecht*, p. 219), which embody the truths conveyed in these statements. (1) Krause defines 'Recht' as 'das organische Ganze der äusseren Bedingungen des Vernunftlebens,' 'the organic whole of the outward conditions necessary to the rational life.' (2) Henrici says that 'Recht' is 'was der Idee der Unverletzbarkeit der materiellen wesentlichen Bedingungen des moralischen Menschenthums, d. h. der menschlichen Persönlichkeit nach ihrer Existenz und ihrer Vervollkommnung, oder der unveräusserlichen Menschengüter im äusserlichen Verkehr entspricht': i.e. 'Right is what' (or, 'that is properly matter of legal obligation which') 'in the outward intercourse of men corresponds to the idea of the inviolability of the essential material conditions of a moral humanity, i.e. of the human personality in respect of its existence and its perfection;' or, more simply, 'Right is that which is really necessary to the maintenance of the material conditions essential to the existence and perfection of human personality.' Cf. Trendelenburg, *Naturrecht*, § 46. 'Das Recht ist im sittlichen Ganzen der Inbegriff derjenigen allgemeinen Bestimmungen des Handelns, durch welche es geschieht dass das sittliche Ganze und seine Gliederung sich erhalten und weiter bilden kann.' Afterwards he emphasises the words 'des Handelns,' and adds: 'Zwar kann das Handeln nicht ohne den Willen gedacht werden, der zum Grunde liegt: aber die Rechtbestimmungen sind nicht Bestimmungen des Willens als solchen, was dem innern Gebiet, der Ethik der Gesinnung, anheimfallen würde. Der Wille der nicht Handlung wird entzieht sich dem Recht. Wenn das Recht Schuld und Versehen, *dolus* und *culpa*, in sein Bereich zieht, so sind sie als innere aber charakteristische Beschaffenheiten des Handelns anzusehen.'

accident was due to culpable negligence. This, however, does not show that the law can enforce or prevent anything but external action, but only that it is *action* which it seeks to enforce or prevent, for without intention there is no action. We talk indeed of a man acting against his will, but if this means acting against intention it is what it is impossible to do. What I call an act done against my will is either (1) an act done by someone else using my body, through superior force, as a means: in which case there is an act, but it is not mine (e.g. if another uses my hand to pull the trigger of a gun by which someone is shot); or (2) a natural event in which my limbs are affected in a certain way which causes certain results to another person (e.g. if the rolling of a ship throws me against another person who is thus thrown into the water); or (3) an act which I do under the influence of some strong inducement (e.g. the fear of death), but which is contrary to some strong wish. In this case the act is mine, but mine because I intend it; because it is not against my will as = intention. In saying, then, that the proper, because the only possible, function of law is to enforce the performance of or abstinence from external actions, it is implied that its function is to produce or prevent certain intentions, for without intention on the part of someone there is no act.

13. But if an act necessarily includes intention, what is the nature of the restriction implied in calling it external? An external action is a determination of will as exhibited in certain motions of the bodily members which produce certain effects in the material world; not a determination of the will as arising from certain motives and a certain disposition. All that the law can do is to enjoin or forbid determinations of will as exhibited in such motions, &c. It does indeed present a motive, for it enforces its injunctions and prohibitions primarily by fear, by its threat of certain consequences if its commands are disobeyed. This enforcement is not an exercise of physical force in the strict sense, for in this sense no force can produce an action, since it cannot produce a determination of will; and the only way in which the law or its administrators employ such force is not in the production but in the prevention of action (as when a criminal is locked up or the police prevent mischievous persons from assaulting us or breaking into our houses). But though, in enforcing its commands by threats, the law is presenting a motive, and

thus, according to our distinction, affecting action on its inner side, it does this solely for the sake of the external act. It does not regard the relation of the act to the motive fear as of any intrinsic importance. If the action is performed without this motive ever coming into play under the influence of what the moralist counts higher motives, the purpose of the law is equally satisfied. Indeed, it is always understood that its purpose is most thoroughly served when the threat of pains and penalties has ceased to be necessary, and the obligations correlative to the relations of individuals and of societies are fulfilled from other motives. Its business is to maintain certain conditions of life—to see that certain actions are done which are necessary to the maintenance of those conditions, others omitted which would interfere with them. It has nothing to do with the motive of the actions or omissions, on which, however, the moral value of them depends.

14. It appears, then, that legal obligations—obligations which can possibly form the subject of positive law—can only be obligations to do or abstain from certain acts, not duties of acting from certain motives, or with a certain disposition. It is not a question whether the law should or should not oblige to anything but performance of outward acts. It simply cannot oblige to anything else, because the only means at its command for obtaining the fulfilment of obligations are (1) threats of pain and offers of reward, by means of which it is possible indeed to secure the general performance of certain acts, but not their performance from the motive even of fear of the pain threatened or hope of the reward offered, much less from any higher motive; (2) the employment of physical force, (*a*) in restraining men disposed to violate obligations, (*b*) in forcibly applying the labour or the property of those who violate obligations to make good the breach, so far as is possible; (as, e.g., when the magistrate forestalls part of a man's wages to provide for a wife whom he has deserted, or when the property of a debtor is seized for the benefit of his creditors.)

15. Only outward acts, then, *can* be matter of legal obligation; but what sort of outward acts *should* be matter of legal obligation? The answer to this question arises out of the above consideration of the means which law employs to obtain the fulfilment of obligations, combined with the view

of law as relative to a moral end, i.e. the formation of a society of persons, acting from a certain disposition, from interest in the society as such. Those acts only should be matter of legal injunction or prohibition of which the performance or omission, irrespectively of the motive from which it proceeds, is so necessary to the existence of a society in which the moral end stated can be realised, that it is better for them to be done or omitted from that unworthy motive which consists in fear or hope of legal consequences than not to be done at all.

16. We distinguish, then, the system of rights actually maintained and obligations actually enforced by legal sanctions ('Recht' or 'jus') from the system of relations and obligations which *should be* maintained by such sanctions ('Naturrecht'); and we hold that those actions or omissions should be made obligations which, when made obligations, serve a certain moral end; that this end is the ground or justification or rationale of legal obligation; and that thus we obtain a general rule, of both positive and negative application, in regard to the proper matter or content of legal obligation. For since the end consists in action proceeding from a certain disposition, and since action done from apprehension of legal consequences does not proceed from that disposition, no action should be enjoined or prohibited by law of which the injunction or prohibition interferes with actions proceeding from that disposition, and every action should be so enjoined of which the performance is found to produce conditions favourable to action proceeding from that disposition, and of which the legal injunction does not interfere with such action.

17. Does this general rule give any real guidance in the difficulties which practically arise in regard to the province of law—as to what should be required by law, and what left to the inclination of individuals? What cases are there or have there been of enactments which on this principle we can pronounce wrong? Have attempts ever been made by law to enforce acts as virtuous which lose their virtue when done under fear of legal penalties? It would be difficult, no doubt, to find instances of attempts to enforce by law actions of which we should say that the value lies in the disposition from which they are done, actions, e.g. of disinterested kindness, because the clear conception of virtue as depending not on outward results, but on disposition, is but

slowly arrived at, and has never been reflected in law. But without any strictly moral object at all, laws have been made which check the development of the moral disposition. This has been done (*a*) by legal requirements of religious observance and profession of belief, which have tended to vitiate the religious source of morality; (*b*) by prohibitions and restraints, unnecessary, or which have ceased to be necessary, for maintaining the social conditions of the moral life, and which interfere with the growth of self-reliance, with the formation of a manly conscience and sense of moral dignity,—in short, with the moral autonomy which is the condition of the highest goodness; (*c*) by legal institutions which take away the occasion for the exercise of certain moral virtues (e.g. the Poor-law which takes away the occasion for the exercise of parental forethought, filial reverence, and neighbourly kindness).

18. Laws of this kind have often been objected to on the strength of a one-sided view of the function of laws; the view, viz., that its only business is to prevent interference with the liberty of the individual. And this view has gained undue favour on account of the real reforms to which it has led. The laws which it has helped to get rid of were really mischievous, but mischievous for further reasons than those conceived of by the supporters of this theory. Having done its work, the theory now tends to become obstructive, because in fact advancing civilisation brings with it more and more interference with the liberty of the individual to do as he likes, and this theory affords a reason for resisting all positive reforms, all reforms which involve an action of the state in the way of promoting conditions favourable to moral life. It is one thing to say that the state in promoting these conditions must take care not to defeat its true end by narrowing the region within which the spontaneity and disinterestedness of true morality can have play; another thing to say that it has no moral end to serve at all, and that it goes beyond its province when it seeks to do more than secure the individual from violent interference by other individuals. The true ground of objection to 'paternal government' is not that it violates the 'laissez faire' principle and conceives that its office is to make people good, to promote morality, but that it rests on a misconception of morality. The real function of government being to

maintain conditions of life in which morality shall be possible, and morality consisting in the disinterested performance of self-imposed duties, 'paternal government' does its best to make it impossible by narrowing the room for the self-imposition of duties and for the play of disinterested motives.

19. The question before us, then, is, In what ways and how far do the main obligations enforced and rights maintained by law in all civilised societies contribute to the moral end described; viz. to establish those conditions of life in which a true, i.e. a disinterested or unselfish morality shall be possible? The answer to this question will be a theory of the 'jus naturæ'; i.e. it will explain how far positive law is what it should be, and what is the ground of the duty to obey it; in other words, of political obligation. There are two things from which such a theory must be distinguished. (1) It is not an inquiry into the process by which actual law came to be what it is; nor (2) is it an inquiry how far actual law corresponds to and is derived from the exercise of certain original or natural rights. (1) It is not the former, because the process by which the law of any nation and the law in which civilised nations agree has come to be what it is, has not been determined by reference to that end to which we hold that law ought to be directed and by reference to which we criticise it. That is to say, the process has not been determined by any such conscious reference on the part of the agents in the process. No doubt a desire for social good as distinct from private pleasure, for what is good on the whole as distinct from what is good for the moment, has been a necessary condition of it; but (*a*), as an agent in the development of law, this has not reached the form of a conception of moral good according to that definition of it by which the value of law is to be estimated; and (*b*) in bringing law to its present state it has been indistinguishably blended with purely selfish passions and with the simple struggle for existence.

20. (2) A true theory of 'jus naturæ,' a rationale of law or ideal of what it should be, is not to be had by inquiring how far actual law corresponds to, and is derived from, the exercise of certain original or natural rights, if that is taken to mean that we know, or can ascertain, what rights are natural on grounds distinct from those on which we deter-

mine what laws are justifiable, and that then we can proceed to ascertain what laws are justifiable by deduction from such rights. 'Natural rights,' so far as there are such things, are themselves relative to the moral end to which perfect law is relative. A law is not good because it enforces 'natural rights,' but because it contributes to the realisation of a certain end. We only discover what rights are natural by considering what powers must be secured to a man in order to the attainment of this end. These powers a perfect law will secure to their full extent. Thus the consideration of what rights are 'natural' (in the only legitimate sense) and the consideration what laws are justifiable form one and the same process, each presupposing a conception of the moral vocation of man.

21. The doctrine here asserted, that all rights are relative to moral ends or duties, must not be confused with the ordinary statement that every right implies a duty, or that rights and duties are correlative. This of course is true in the sense that possession of a right by any person both implies an obligation on the part of someone else, and is conditional upon the recognition of certain obligations on the part of the person possessing it. But what is meant is something different, viz. that the claim or right of the individual to have certain powers secured to him by society, and the counter-claim of society to exercise certain powers over the individual, alike rest on the fact that these powers are necessary to the fulfilment of man's vocation as a moral being, to an effectual self-devotion to the work of developing the perfect character in himself and others.

22. This, however, is not the ground on which the claim in question has generally been asserted. Apart from the utilitarian theory, which first began to be applied politically by Hume, the ordinary way of justifying the civil rights of individuals (i.e. the powers secured to them by law as against each other), as well as the rights of the state against individuals (i.e. the powers which, with the general approval of society, it exercises against them), has been to deduce them from certain supposed prior rights, called natural rights. In the exercise of these natural rights, it has been supposed, men with a view to their general interest established political society. From that establishment is derived both the system of rights and obligations maintained by law as between

man and man, and the right of the state to the submission of its subjects. If the question, then, is raised, why I ought to respect the legal rights of my neighbours, to pay taxes, or have my children vaccinated, serve in the army if the state requires it, and generally submit to the law, the answer according to this theory will be that if I fail to do so, I shall directly or indirectly be violating the natural rights of other men; directly in those cases where the legal rights of my neighbours are also natural rights, as they very well may be (e.g. rights of liberty or personal safety); indirectly where this is not the case, because, although the rights of the state itself are not natural, and many rights exercised by individuals would not only not be secured but would not exist at all but for legal enactment, yet the state itself results from a covenant which originally, in the exercise of their natural rights, men made with each other, and to which all born under the state and sharing the advantages derived from it must be considered parties. There is a natural right, therefore, on the part of each member of a state to have this compact observed, with a corresponding obligation to observe it; and this natural right of all is violated by any individual who refuses to obey the law of the state or to respect the rights, not in themselves natural, which the state confers on individuals.

23. This, on the whole, was the form in which the ground of political obligation, the justification of established rights, was presented throughout the seventeenth century, and in the eighteenth till the rise of the 'utilitarian' theory of obligation. Special adaptations of it were made by Hobbes and others. In Hobbes, perhaps (of whom more later), may be found an effort to fit an anticipation of the utilitarian theory of political obligation into the received theory which traced political obligation, by means of the supposition of a primitive contract, to an origin in natural right. But in him as much as anyone the language and framework of the theory of compact is retained, even if an alien doctrine may be read between the lines. Of the utilitarian theory of political obligation more shall be said later. It may be presented in a form in which it would scarcely be distinguishable from the doctrine just now stated, the doctrine, viz., that the ground of political obligation, the reason why certain powers should be recognised as belonging to the state and

certain other powers as secured by the state to individuals, lies in the fact that these powers are necessary to the fulfilment of man's vocation as a moral being, to an effectual self-devotion to the work of developing the perfect character in himself and others. Utilitarianism proper, however, recognises no vocation of man but the attainment of pleasure and avoidance of pain. The only reason why civil rights should be respected—the only justification of them—according to it, would be that more pleasure is attained or pain avoided by the general respect for them; the ground of our consciousness that we ought to respect them, in other words their ultimate sanction, is the fear of what the consequences would be if we did not. This theory and that which I deem true have one negative point in common. They do not seek the ground of actual rights in a prior natural right, but in an end to which the maintenance of the rights contributes. They avoid the mistake of identifying the inquiry into the ultimate justifiability of actual rights with the question whether there is a prior right to the possession of them. The right to the possession of them, if properly so called, would not be a mere power, but a power recognised by a society as one which should exist. This recognition of a power, in some way or other, as that which should be, is always necessary to render it a right. Therefore when we had shown that the rights exercised in political society were derived from prior 'natural' rights, a question would still remain as to the ground of those natural rights. We should have to ask why certain powers were recognised as powers which should be exercised, and thus became these natural rights.

24. Thus, though it may be possible and useful to show how the more seemingly artificial rights are derived from rights more simple and elementary, how the rights established by law in a political society are derived from rights that may be called natural, not in the sense of being prior to society, but in the sense of being prior to the existence of a society governed by written law or a recognised sovereign, still such derivation is no justification of them. It is no answer to the question why they should be respected; because this question remains to be asked in regard to the most primitive rights themselves. Political or civil rights, then, are not to be explained by derivation from natural rights, but in regard to both political and natural rights, in any sense

in which there can be truly said to be natural rights, the question has to be asked, how it is that certain powers are recognised by men in their intercourse with each other as powers that should be exercised, or of which the possible exercise should be secured.

25. I have tried to show in lectures on morals that the conception expressed by the 'should be' is not identical with the conception of a right possessed by some man or men, but one from which the latter conception is derived. It is, or implies on the part of whoever is capable of it, the conception of an ideal, unattained condition of himself, as an absolute end. Without this conception the recognition of a power as a right would be impossible. A power on the part of anyone is so recognised by others, as one which should be exercised, when these others regard it as in some way a means to that ideal good of themselves which they alike conceive: and the possessor of the power comes to regard it as a right through consciousness of its being thus recognised as contributory to a good in which he too is interested. No one therefore can have a right except (1) as a member of a society, and (2) of a society in which some common good is recognised by the members of the society as their own ideal good, as that which should be for each of them. The capacity for being determined by a good so recognised is what constitutes personality in the ethical sense; and for this reason there is truth in saying that only among persons, in the ethical sense, can there come to be rights; (which is quite compatible with the fact that the logical disentanglement of the conception of rights precedes that of the conception of the legal person; and that the conception of the moral person, in its abstract and logical form, is not arrived at till after that of the legal person).

Conversely, everyone capable of being determined by the conception of a common good as his own ideal good, as that which unconditionally should be (of being in that sense an end to himself), in other words, every moral person, is capable of rights; i.e. of bearing his part in a society in which the free exercise of his powers is secured to each member through the recognition by each of the others as entitled to the same freedom with himself. To say that he is capable of rights, is to say that he ought to have them, in that sense of 'ought' in which it expresses the relation of

man to an end conceived as absolutely good, to an end which, whether desired or no, is conceived as intrinsically desirable. The moral capacity implies a consciousness on the part of the subject of the capacity that its realisation is an end desirable in itself, and rights are the condition of realising it. Only through the possession of rights can the power of the individual freely to make a common good his own have reality given to it. Rights are what may be called the negative realisation of this power. That is, they realise it in the sense of providing for its free exercise, of securing the treatment of one man by another as equally free with himself, but they do not realise it positively, because their possession does not imply that in any active way the individual makes a common good his own. The possession of them, however, is the condition of this positive realisation of the moral capacity, and they ought to be possessed because this end (in the sense explained) ought to be attained.

26. Hence on the part of every person ('person' in the moral sense explained) the claim, more or less articulate and reflected on, to rights on his own part is co-ordinate with his recognition of rights on the part of others. The capacity to conceive a common good as one's own, and to regulate the exercise of one's powers by reference to a good which others recognise, carries with it the consciousness that powers should be so exercised; which means that there should be rights, that powers should be regulated by mutual recognition. There ought to be rights, because the moral personality,—the capacity on the part of an individual for making a common good his own,—ought to be developed; and it is developed through rights; i.e. through the recognition by members of a society of powers in each other contributory to a common good, and the regulation of those powers by that recognition.

27. In saying that only among 'persons' can there come to be rights, and that every 'person' should have rights, I have been careful to explain that I use 'person' in the moral, not merely in the legal, sense. In dealing, then, with such phrases as 'jura personarum' and 'personal rights,' we must keep in view the difference between the legal and ethical sense of the proposition that all rights are personal, or subsist as between persons. In the legal sense, so far as it is true,—and it is so only if 'person' is used in the sense

of Roman law,—it is an identical proposition. A person means a subject of rights and nothing more. Legal personality is derived from the possession of right, not *vice versa*. Like other identical propositions, its use is to bring out and emphasise in the predicate what is included in the understood connotation of the subject; to remind us that when we speak of rights we imply the existence of parties, in English phraseology, capable of suing and being sued. In the ethical sense, it means that rights are derived from the possession of personality as = a rational will (i.e. the capacity which man possesses of being determined to action by the conception of such a perfection of his being as involves the perfection of a society in which he lives), in the sense (*a*) that only among beings possessed of rational will can there come to be rights, (*b*) that they fulfil their idea, or are justifiable, or such rights as should be rights, only as contributing to the realisation of a rational will. It is important to bear this distinction in mind in order that the proposition in its ethical sense, which can stand on its own merits, may not derive apparent confirmation from a juristic truism.

28. The moral idea of personality is constantly tending to affect the legal conception of the relation between rights and persons. Thus the 'jura personarum,' which properly = either rights arising out of 'status,' or rights which not only (like all rights) reside in someone having a legal status and are available against others having a legal status, but are exercised over, or in respect of, someone possessed of such status (e.g. a wife or a servant), come to be understood as rights derived from the human personality or belonging to man as man. It is with some such meaning that English writers on law speak of rights to life and liberty as personal rights. The expression might seem pleonastic, since no right can exist except as belonging to a person in the legal sense. They do not use the phrase either pleonastically or in the sense of the Roman lawyers' 'jura personarum' above, but in the sense that these rights are immediately derived from, or necessarily attach to, the human personality in whatever that personality is supposed to consist. There is no doubt, however, that historically the conception of the moral person, in any abstract form, is not arrived at till after that of the legal person has been thus disentangled and formulated; and further that the abstract conception of the legal person, as

the sustainer of rights, is not arrived at till long after rights have been actually recognised and established. But the disentanglement or abstract formulation of the conception of moral personality is quite a different thing from the action of the consciousness in which personality consists.

29. The capacity, then, on the part of the individual of conceiving a good as the same for himself and others, and of being determined to action by that conception, is the foundation of rights; and rights are the condition of that capacity being realised. No right is justifiable or should be a right except on the ground that directly or indirectly it serves this purpose. Conversely every power should be a right, i.e. society should secure to the individual every power, that is necessary for realising this capacity. Claims to such powers as are directly necessary to a man's acting as a moral person at all —acting under the conception of a good as the same for self and others—may be called in a special sense personal rights (though they will include more than Stephen includes under that designation); they may also be called, if we avoid misconceptions connected with these terms, 'innate' or 'natural' rights. They are thus distinguished from others which are (1) only indirectly necessary to the end stated, or (2) are so only under special conditions of society; as well as from claims which rest merely on legal enactment and might cease to be enforced without any violation of the 'jus naturæ.'

30. The objection to calling them 'innate' or 'natural,' when once it is admitted on the one side that rights are not arbitrary creations of law or custom but that there are certain powers which ought to be secured as rights, on the other hand that there are no rights antecedent to society, none that men brought with them into a society which they contracted to form, is mainly one of words. They are 'innate' or 'natural' in the same sense in which according to Aristotle the state is natural; not in the sense that they actually exist when a man is born and that they have actually existed as long as the human race, but that they arise out of, and are necessary for the fulfilment of, a moral capacity without which a man would not be a man. There cannot be innate rights in any other sense than that in which there are innate duties, of which, however, much less has been heard. Because a group of beings are capable each of conceiving an absolute good of

himself and of conceiving it to be good for himself as identical with, and because identical with, the good of the rest of the group, there arises for each a consciousness that the common good should be the object of action, i.e. a duty, and a claim in each to a power of action that shall be at once secured and regulated by the consciousness of a common good on the part of the rest, i.e. a right. There is no ground for saying that the right arises out of a primary human capacity, and is thus 'innate,' which does not apply equally to the duty.

31. The dissociation of innate rights from innate duties has gone along with the delusion that such rights existed apart from society. Men were supposed to have existed in a state of nature, which was not a state of society, but in which certain rights attached to them as individuals, and then to have formed societies by contract or covenant. Society having been formed, certain other rights arose through positive enactment; but none of these, it was held, could interfere with the natural rights which belonged to men antecedently to the social contract or survived it.

Such a theory can only be stated by an application to an imaginary state of things, prior to the formation of societies as regulated by custom or law, of terms that have no meaning except in relation to such societies. 'Natural right,' as = right in a state of nature which is not a state of society, is a contradiction. There can be no right without a consciousness of common interest on the part of members of a society. Without this there might be certain powers on the part of individuals, but no recognition of these powers by others as powers of which they allow the exercise, nor any claim to such recognition; and without this recognition or claim to recognition there can be no right.

B. *SPINOZA.*

82. Spinoza is aware of this. In the *Tractatus Politici*, II. 4, he says, 'Per *jus* itaque *naturæ* intelligo . . . ipsam naturæ potentiam.' . . . 'Quicquid unusquisque homo ex legibus suæ naturæ agit, id summo naturæ jure agit, tantumque in naturam habet juris, quantum potentia valet.' If only, seeing that the 'jus naturæ' was mere 'potentia,' he had denied that it was 'jus' at all, he would have been on the right track. Instead of that, however, he treats it as properly 'jus,' and consistently with this regards all 'jus' as mere 'potentia': nor is any 'jus humanum' according to him guided by or the product of reason. It arises, in modern phrase, out of the 'struggle for existence.' As Spinoza says, 'homines magis cæca cupiditate quam ratione ducuntur; ac proinde hominum naturalis potentia sive jus non ratione, sed quocumque appetitu quo ad agendum determinantur, quoque se conservare conantur, definiri debet' (II. 5). The 'jus civile' is simply the result of the conflict of natural powers, which = natural rights, which arises from the effort of every man to gratify his passions and 'suum esse conservare.' Man is simply a 'pars naturæ,' the most crafty of the animals. 'Quatenus homines ira, invidia aut aliquo odii affectu conflictantur, eatenus diverse trahuntur et invicem contrarii sunt, et propterea eo plus timendi, quo plus possunt, magisque callidi et astuti sunt, quam reliqua animalia; et quia homines ut plurimum his affectibus natura sunt obnoxii, sunt ergo homines ex natura hostes' (II. 14). Universal hostility means universal fear, and fear means weakness. It follows that in the state of nature there is nothing fit to be called 'potentia' or consequently 'jus'; 'atque adeo concludimus jus naturæ vix posse concipi nisi ubi homines jura habent communia, qui simul terras, quas habitare et colere possunt, sibi vindicare, seseque munire, vimque omnem repel-

lere et ex communi omnium sententia vivere possunt. Nam (per art. 13 hujus cap.) quo plures in unum sic conveniunt, eo omnes simul plus juris habent' (15). The collective body, i.e., has more 'jus in naturam,' i.e. 'potentiam,' than any individual could have singly (13). In the advantage of this increased 'jus in naturam' the individual shares. On the other hand (16), 'Ubi homines jura communia habent omnesque una veluti mente ducuntur, certum est (per art. 13 hujus cap.) eorum unumquemque tanto minus habere juris, quanto reliqui simul ipso potentiores sunt, hoc est, illum revera jus nullum in naturam habere præter id, quod ipsi commune concedit jus. Ceterum quicquid ex communi consensu ipsi imperatur, teneri exsequi vel (per art. 4 hujus cap.) jure ad id cogi.' This 'jus' by which the individual's actions are now to be regulated, is still simply 'potentia.' 'Hoc jus, quod multitudinis potentia definitur, imperium appellari solet' (17). It is not to be considered anything different from the 'jus naturæ.' It is simply the 'naturalis potentia' of a certain number of men combined; 'multitudinis quæ una veluti mente ducitur' (III. 2). Thus in the 'status civilis' the 'jus naturæ' of the individual in one sense disappears, in another does not. It disappears in the sense that the individual member of the state has no mind to act or power to act against the mind of the state. Anyone who had such mind or power would not be a member of the state. He would be an enemy against whose 'potentia' the state must measure its own. On the other hand, 'in statu civili,' just as much as 'in statu naturali,' 'homo ex legibus suæ naturæ agit suæque utilitati consulit' (3). He exercises his 'naturalis potentia' for some natural end of satisfying his wants and preserving his life as he did or would do outside the 'status civilis.' Only in the 'status civilis' these motives on the part of individuals so far coincide as to form the 'una veluti mens' which directs the 'multitudinis potentia.'

According to this view, any member of a state will have just so much 'jus,' i.e. 'potentia,' against other members as the state allows him. If he can exercise any 'jus' or 'potentia' against another 'ex suo ingenio,' he is so far not a member of the state and the state is so far imperfect. If he could exercise any 'jus' or 'potentia' against the state itself, there would be no state, or, which is the same, the state would not be 'sui juris.'

33. Is there then no limit to the 'jus' which the state may exercise? With Spinoza this is equivalent to the question, is there no limit to the 'potentia' which it can exercise? As to this, he suggests three considerations.

(1). Its power is weakened by any action against right reason, because this must weaken the 'animorum unio' on which it is founded. 'Civitatis jus potentia multitudinis, quæ una veluti mente ducitur, determinatur. At hæc animorum unio concipi nulla ratione posset, nisi civitas id ipsum maxime intendat, quod sana ratio omnibus hominibus utile esse docet' (III. 7).

(2). The 'right' or 'power' of the state depends on its power of affecting the hopes and fears of individual citizens. . . . 'Subditi eatenus non sui, sed civitatis juris sint, quatenus ejus potentiam seu minas metuunt, vel quatenus statum civilem amant (per art. 10 præced. cap.). Ex quo sequitur, quod ea omnia, ad quæ agenda nemo præmiis aut minis induci potest, ad jura civitatis non pertineant' (III. 8). Whatever cannot be achieved by rewards and threats, is beyond the power and therefore beyond the 'right' of the state. Examples are given in the same section.

(3). 'Ad civitatis jus ea minus pertinere, quæ plurimi indignantur' (III. 9). Severities of a certain kind lead to conspiracies against the state, and thus weaken it. 'Sicut unusquisque civis sive homo in statu naturali, sic civitas eo minus sui juris est, quo majorem timendi causam habet.'

Just so far then as there are certain things which the state cannot do, or by doing which it lessens its power, so far there are things which it has no 'right' to do.

34. Spinoza proceeds to consider the relation of states or sovereign powers to each other. Here the principle is simple. They are to each other as individuals in the state of nature, except that they will not be subject to the same weaknesses. 'Nam quandoquidem (per art. 2 hujus cap.) jus summæ potestatis nihil est præter ipsum naturæ jus, sequitur duo imperia ad invicem sese habere, ut duo homines in statu naturali, excepto hoc, quod civitas sibi cavere potest, ne ab alia opprimatur, quod homo in statu naturali non potest, nimirum qui quotidie somno, sæpe morbo aut animi ægritudine, et tandem senectute gravatur, et præter hæc aliis incommodis est obnoxius, a quibus civitas securam se reddere potest' (III. 11). In other words, '. . . duæ civitates

natura hostes sunt. Homines enim in statu naturali hostes sunt. Qui igitur jus naturæ extra civitatem retinent, hostes manent' (III. 13). The 'jura belli' are simply the powers of any one state to attack or defend itself against another. The 'jura pacis,' on the other hand, do not appertain to any single state, but arise out of the agreement of two at least. They last as long as the agreement, the 'fœdus,' lasts; and this lasts as long as the fear or hope, which led to its being made, continues to be shared by the states which made it. As soon as this ceases to be the case, the agreement is necessarily at an end, 'nec dici potest, quod dolo vel perfidia agat, propterea quod fidem solvit, simulatque metus vel spei causa sublata est, quia hæc conditio unicuique contrahentium æqualis fuit, ut scilicet quæ prima extra metum esse potest, sui juris esset, eoque ex sui animi sententia uteretur, et præterea quia nemo in futurum contrahit nisi positis præcedentibus circumstantiis' (III. 14).

35. It would seem to follow from the above that a state can do no wrong, in the sense that there are no rights that it can violate. The same principle is applicable to it as to the individual. 'In statu naturali non dari peccatum, vel si quis peccat, is sibi, non alteri peccat: . . . nihil absolute naturæ jure prohibetur, nisi quod nemo potest' (II. 18). A state is to any other state, and to its subjects, as one individual to another 'in statu naturali.' A wrong, a 'peccatum,' consists in a violation by individuals of the 'commune decretum.' There can be no 'peccare' on the part of the 'commune decretum' itself. But 'non id omne, quod jure fieri dicimus, optime fieri affirmamus. Aliud namque est agrum jure colere, aliud agrum optime colere; aliud, inquam, est sese jure defendere, conservare, judicium ferre, &c., aliud sese optime defendere, conservare, atque optimum judicium ferre; et consequenter aliud est jure imperare et reipublicæ curam habere, aliud optime imperare et rempublicam optime gubernare. Postquam itaque de jure cujuscumque civitatis in genere egimus, tempus est, ut de optimo cujuscumque imperii statu agamus' (V. 1). Hence a further consideration 'de optimo cujusque imperii statu.' This is guided by reference to the 'finis status civilis,' which is 'pax vitæque securitas.' Accordingly that is the best government under which men live in harmony, and of which the rights are kept inviolate. Where this is not the case,

the fault lies with the government, not with any 'subditorum malitia.' 'Homines enim civiles non nascuntur, sed fiunt. Hominum præterea naturales affectus ubique iidem sunt' (V. 2).

The end is not fully attained where men are merely kept in order by fear. Such a state of things is not peace but merely absence of war. 'Pax enim non belli privatio, sed virtus est, quæ ex animi fortitudine oritur[1]; est namque obsequium constans voluntas id exsequendi, quod ex communi civitatis decreto fieri debet' (V. 4).

The 'peace,' then, which it is the end of the state to obtain, consists in rational virtue; in a common mind, governed by desire on the part of each individual for perfection of being in himself and others. The harmony of life, too, which is another way of expressing its object, is to be understood in an equally high sense. The life spoken of is one 'quæ maxime ratione, vera mentis virtute et vita, definitur.'

The 'imperium' which is to contribute to this end must clearly be one 'quod multitudo libera instituit, non autem id, quod in multitudinem jure belli acquiritur.' Between the two forms of 'imperium' there may be no essential difference in respect of the 'jus' which belongs to each, but there is the greatest in respect of the ends which they serve as well as in the means by which they have to be maintained (V. 6).

36. This conclusion of Spinoza's doctrine of the state does not seem really consistent with the beginning. At the outset, no motives are recognised in men but such as render them 'natura hostes.' From the operation of these motives the state is supposed to result. Each individual finds that the war of all against all is weakness for all. Consequently the desire on the part of each to strengthen himself, which is a form of the universal effort 'suum esse conservare,' leads to combination, it being discovered that 'homini nihil homine utilius' (*Eth.* IV. 18. Schol.). But we are expressly told that the civil state does not bring with it other

[1] For the definition of 'fortitudo,' see *Ethics*, III. 59, Schol. 'Omnes actiones quæ sequuntur ex affectibus qui ad mentem referuntur, quatenus intelligit, ad fortitudinem refero, quam in animositatem et generositatem distinguo. Nam per animositatem intelligo cupiditatem, qua unusquisque conatur suum esse ex solo rationis dictamine conservare. Per generositatem . . . cupiditatem qua unusquisque ex solo rationis dictamine conatur reliquos homines juvare et sibi amicitia jungere.'

motives than those operative 'in statu naturali.' 'Homo namque tam in statu naturali quam civili ex legibus suæ naturæ agit, suæque utilitati consulit.' But then it appears that there supervenes or may supervene on such motives 'constans voluntas id exsequendi quod ex communi civitatis decreto fieri debet,' and that not of a kind which seeks to carry out the 'commune decretum' as a means of escaping pain or obtaining pleasure, for it is said to arise from the 'animi fortitudo' which rests on reason ('ad mentem refertur quatenus intelligit') and includes 'generositas' defined as above. It is also said that the true object of 'imperium' is 'vitam concorditer transigere' or 'vitam colere' in a sense of 'vita' in which it 'maxime ratione . . . definitur.' And as the 'imperium' established for this end is one which 'multitudo libera instituit,' it seems[1] to be implied that there is a desire for such an end on the part of the people. It is not explained how such desires should arise out of the conflict of 'naturales potentiæ' or out of the impulses which render men 'natura hostes.' On the other hand, if the elements of them already exist in the impulses which lead to the formation of the 'status civilis,' the reasons for saying that men are 'natura hostes' disappear, and we get a different view of 'jus,' whether 'naturale' or 'civile,' from that which identifies it simply with 'potentia.' Some power of conceiving and being interested in a good *as common*, some identification of the 'esse' of others with the 'suum esse' which every man, as Spinoza says, seeks to preserve and promote, must be supposed in those who form the most primitive social combinations, if these are to issue in a state directed to such ends and maintained by such a 'constans voluntas' as Spinoza describes. And it is the interest of men in a common good, the desire on the part of each which he thinks of others as sharing, for a good which he conceives to be equally good for them, that transforms mere 'potentia' into what may fitly be called 'jus,' i.e. a power claiming recognition as exercised or capable of being exercised for the common good.

[1] Certainly this is so, if we apply to the 'libera multitudo' the definition of freedom applied to the 'liber homo.' 'Hominem eatenus *liberum* omnino voco, quatenus ratione ducitur, quia eatenus ex causis, quæ per solam eius naturam possunt adæquate intelligi, ad agendum determinatur, tametsi ex iis necessario ad agendum determinetur. Nam libertas agendi necessitatem non tollit, sed ponit' (II. 11).

37. If this qualification of 'potentia' which alone renders it 'jus' had been apprehended by Spinoza, he would have been entitled to speak of a 'jus naturale' as preceding the 'jus civile,' i.e. of claims to the recognition of powers and the actual customary recognition of such, as exercised for a common good, preceding the establishment of any regular institutions or general laws for securing their exercise. As it is, the term 'jus naturale' is with him really unmeaning. If it means no more than 'potentia,' why call it 'jus'? 'Jus' might have a meaning distinct from that of 'potentia' in the sense of a power which a certain 'imperium' enables one man to exercise as against another. This is what Spinoza understands by 'jus civile.' But there is no need to qualify it as 'civile,' unless 'jus' may be employed with some other qualification and with a distinctive meaning. But the 'jus naturale,' as he understands it, has no meaning other than that of 'potentia,' and his theory as it stands would have been more clearly expressed if instead of 'jus naturale' and 'jus civile' he had spoken of 'potentia' and 'jus,' explaining that the latter was a power on the part of one man against others, maintained by means of an 'imperium' which itself results from a combination of 'powers.' He himself in one passage shows a consciousness of the impropriety of speaking of 'jus' except with reference to a community; 'jus naturæ, quod humani generis proprium est, vix posse concipi, nisi ubi homines jura habent communia, qui simul terras, quas habitare et colere possunt, sibi vindicare, seseque munire, vimque omnem repellere et ex communi omnium sententia vivere possunt' (II. 15). He takes no notice, however, of any forms of community more primitive than that of the state. The division into the 'status naturalis' and the 'status civilis' he seems to treat as exhaustive, and the 'status naturalis' he regards, after the manner of his time, as one of pure individualism, of simple detachment of man from man, or of detachment only modified by conflict. From such a 'status naturalis,' lacking both the natural and the rational principles of social development (the natural principle, i.e. the interest in others arising primarily from family ties, and the rational principle, i.e. the power of conceiving a good consisting in the more perfect being of the individual and of those in whom he is interested), no process could be traced to the 'status civilis.' The two 'status' stand

over against each other with an impassable gulf between. 'Homines civiles non nascuntur, sed fiunt.' They are so made, he seems to hold, by the action of the 'imperium' upon them. But how is the 'imperium' to be made? Men must first be, if not 'civiles,' yet something very different from what they are in the 'status naturalis,' between which and the 'status civilis' Spinoza recognises no middle term, before any 'imperium' which could render them 'civiles' could be possible.

38. The cardinal error of Spinoza's 'Politik' is the admission of the possibility of a right in the individual apart from life in society, apart from the recognition by members of a society of a correlative claim upon and duty to each other, as all interested in one and the same good. The error was the error of his time, but with Spinoza it was confirmed by his rejection of final causes. The true conception of 'right' depends on the conception of the individual as being what he really is in virtue of a function which he has to fulfil relatively to a certain end, that end being the common well-being of a society. A 'right' is an ideal attribute ('ideal' in the sense of not being sensibly verifiable, not reducible to any perceivable fact or facts) which the individual possesses so far as this function is in some measure freely fulfilled by him—i.e. fulfilled with reference to or for the sake of the end—and so far as the ability to fulfil it is secured to him through its being recognised by the society as properly belonging to him. The essence of right lies in its being not simply a power producing sensible effects, but a power relative to an insensible function and belonging to individuals only in so far as each recognises that function in himself and others. It is not in so far as I *can* do this or that, that I have a right to do this or that, but so far as I recognise myself and am recognised by others as able to do this or that for the sake of a common good, or so far as in the consciousness of myself and others I have a function relative to this end. Spinoza, however, objects to regard anything as determined by relation to a final cause. He was not disposed therefore to regard individuals as being what they are in virtue of functions relative to the life of society, still less as being what they are in virtue of the recognition by each of such functions in himself and others. He looked upon man, like everything else in nature, as determined by material and efficient causes, and

as himself a material and efficient cause. But as such he has no 'rights' or 'duties,' but only 'powers.'

39. It was because Plato and Aristotle conceived the life of the πόλις so clearly as the τέλος of the individual, relation to which makes him what he is—the relation in the case of the πολίτης proper being a conscious or recognised relation —that they laid the foundation for all true theory of 'rights.' It is true that they have not even a word for 'rights.' The claims which in modern times have been advanced on behalf of the individual against the state under the designation 'natural rights' are most alien from their way of thinking. But in saying that the πόλις was a 'natural' institution and that man was φύσει πολιτικός, Aristotle, according to the sense which he attached to πόλις, was asserting the doctrine of 'natural rights' in the only sense in which it is true. He regards the state (πόλις) as a society of which the life is maintained by what its members do for the sake of maintaining it, by functions consciously fulfilled with reference to that end, and which in that sense imposes duties; and at the same time as a society from which its members derive the ability, through education and protection, to fulfil their several functions, and which in that sense confers rights. It is thus that the πολίτης μετέχει τοῦ ἄρχειν καὶ τοῦ ἄρχεσθαι. Man, being φύσει πολίτης,—being already in respect of capacities and tendencies a member of such a society, existing only in κοινωνίαι which contain its elements,—has 'naturally' the correlative duties and rights which the state imposes and confers. Practically it is only the Greek man that Aristotle regards as φύσει πολίτης, but the Greek conception of citizenship once established was applicable to all men capable of a common interest. This way of conceiving the case, however, depends on the 'teleological' view of man and the forms of society in which he is found to live, i.e. on the view of men as being what they are in virtue of non-sensible functions, and of certain forms of life determined by relation to more perfect forms which they have the capacity or tendency to become.

40. Spinoza, like Bacon, found the assumption of ends which things were meant to fulfil in the way of accurate inquiry into what things are (materially) and do. He held Plato and Aristotle cheap as compared with Democritus and

Epicurus (*Epist.* LX. 13). Accordingly he considers the individual apart from his vocation as a member of society, the state apart from its office as enabling the individual to fulfil that vocation. Each, so considered, is merely a vehicle of so much power (natural force). On the other hand, he recognises a difference between a higher and lower, a better and worse, state of civil society, and a possibility of seeking the better state because it is understood to be better. And this is to admit the possibility of the course of human affairs being affected by the conception of a final cause. It is characteristic of Spinoza that while he never departs from the principle 'homo naturæ pars,' he ascribes to him the faculty of understanding the order of nature, and of conforming to it or obeying it in a new way on account of that understanding. In other words, he recognised the distinction called by Kant the distinction between determination according to law and determination according to the consciousness of law; though in his desire to assert the necessity of each kind of determination he tends to disguise the distinction and to ignore the fact that, if rational determination (or the determination by a conception of a law) is a part of nature, it is so in quite a different sense from determination merely according to laws of nature. As he puts it, the clear understanding that we are parts of nature, and of our position in the universe of things, will yield a new character. We shall only then desire what is ordained for us and shall find rest in the truth, in the knowledge of what is necessary. This he regards as the highest state of the individual, and the desire to attain it he evidently considers the supreme motive by which the individual should be governed. The analogue in political life to this highest state of the individual is the direction of the 'imperium' by a 'libera multitudo' to the attainment of 'pax vitæque securitas' in the high sense which he attaches to those words in *Tract. Pol.* cap. V.[1]

[1] Cp. *Eth.* IV. *Appendix*, xxxii. 'Ea quæ nobis eveniunt contra id, quod nostræ utilitatis ratio postulat, æquo animo feremus, si conscii simus nos functos nostro officio fuisse, et potentiam, quam habemus, non potuisse se eo usque extendere, ut eadem vitare possemus, nosque partem totius naturæ esse, cujus ordinem sequimur. Quod si clare et distincte intelligamus, pars illa nostri, quæ intelligentia definitur, hoc est, pars melior nostri, in eo plane acquiescet et in ea acquiescentia perseverare conabitur. Nam quatenus intelligimus, nihil appetere nisi id, quod necessarium est, nec absolute nisi in veris acquiescere possumus; adeoque quatenus hæc recte intelligimus, eatenus

41. The conclusion, then, is that Spinoza did really, though not explicitly, believe in a final cause determining human life. That is to say, he held that the conception of an end consisting in the greater perfection of life on the part of the individual and the community might, and to some extent did, determine the life of the individual and the community. He would have said no doubt that this end, like every good, existed only in our consciousness; that it was 'nihil positivum in rebus in se consideratis' (*Ethics*, IV. Preface); but an existence of the end in human consciousness, determining human action, is a sufficiently real existence, without being 'positivum in rebus.' But he made the mistake of ignoring the more confused and mixed forms in which the conception of this end operates; of recognising it only in the forms of the philosophic 'amor Dei,' or in the wisdom of the exceptional citizen, whom alone he would admit 'ratione duci.' And in particular he failed to notice that it is the consciousness of such an end to which his powers may be directed, that constitutes the individual's claim to exercise them as rights, just as it is the recognition of them by a society as capable of such direction which renders them actually rights; in short that, just as according to him nothing is good or evil but thinking makes it so, so it is only thinking that makes a might a right,—a certain conception of the might as relative to a social good on the part at once of the person or persons exercising it, and of a society which it affects.

conatus melioris partis nostri cum ordine totius naturæ convenit.' *Eth.* IV. Preface . . . 'Per *bonum* . . . intelligam id, quod certo scimus medium esse, ut ad exemplar humanæ naturæ, quod nobis proponimus, magis magisque accedamus. . . . Deinde homines *perfectiores* aut *imperfectiores* dicemus, quatenus ad hoc idem exemplar magis aut minus accedunt.'

C. *HOBBES.*

42. All the more fruitful elements in Spinoza's political doctrine are lacking in that of Hobbes, but the principle of the two theories is very much the same. Each begins with the supposition of an existence of human individuals, unaffected by society, and each struggling for existence against the rest, so that men are 'natura hostes.' Each conceives 'jus naturale' as = 'potentia naturalis.' But Spinoza carries out this conception much more consistently. He does not consider that the natural right, which is might, ceases to exist or becomes anything else when a multitude combine their natural rights or mights in an 'imperium.' If the ostensible 'imperium' comes into collision with the powers of individuals, single or combined, among those who have hitherto been subject to it, and proves the weaker, it *ipso facto* ceases to be an 'imperium.' Not having superior power, it no longer has superior right to the 'subditi.' It is on this principle, as we have seen, that he deals with the question of limitations to the right of a sovereign. Its rights are limited because its powers are so. Exercised in certain ways and directions they defeat themselves. Thus as he puts it in *Epist.* L. (where he points out his difference from Hobbes), 'Supremo magistratui in qualibet urbe non plus in subditos juris, quam juxta mensuram potestatis, qua subditum superat, competere statuo.' Hobbes, on the other hand, supposes his sovereign power to have an absolute right to the submission of all its subjects, singly or collectively, irrespectively of the question of its actual power against them. This right he considers it to derive from a covenant by which individuals, weary of the state of war, have agreed to devolve their 'personæ,' in the language of Roman law, upon some individual or collection of individuals, which is henceforward to represent them, and

to be considered as acting with their combined powers. This covenant being in the nature of the case irrevocable, the sovereign derives from it an indefeasible right to direct the actions of all members of the society over which it is sovereign.

43. The doctrine may be found in *Leviathan*, Part II., chapter 17. In order 'to erect such a common power as may be able to defend them from the invasion of foreigners and the injuries of one another,' men 'confer all their power and strength upon one man or upon one assembly of men,' . . . i.e. 'appoint one man or assembly of men to bear their person. . . . This is more than consent and concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such a manner as if every man should say to every man, 'I authorise, and give up my right of governing myself to this man or this assembly of men, on condition that thou give up thy right to him and authorise all his actions in like manner.' This done, the multitude so united in one person is called a commonwealth, in Latin *civitas* . . . which (to define it) is one person, of whose acts a great multitude by mutual covenant one with another have made themselves everyone the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence. And he that carrieth this person is called sovereign, and said to have sovereign power; and everyone besides, his subject.'

44. In order to understand the form in which the doctrine is stated, we have to bear in mind the sense in which 'persona' is used by the Roman lawyers, as=either a complex of rights, or the subject (or possessor) of those rights, whether a single individual or a corporate body. In this sense of the word, a man's person is separable from his individual existence as a man. 'Unus homo sustinet plures personas.' A magistrate, e.g.,would be one thing in respect of what he is in himself, another thing in respect of his 'persona' or complex of rights belonging to him as a magistrate, and so too a monarch. On the same principle, a man, remaining a man as before, might devolve his 'persona,' the complex of his rights, on another. A son, when by the death of his father according to Roman law he was delivered from 'patria potestas' and became in turn head of a family,

acquired a 'persona' which he had not before, the 'persona' which had previously belonged to the father. Again, to take a modern instance, the fellows of a college, as a corporation, form one 'persona,' but each of them would bear other 'persons,' if, e.g., they happened to be magistrates, or simply in respect of their rights as citizens. Thus 'one person' above = one sustainer of rights; while in the second passage, . . . 'carrieth this person,' it rather = the rights sustained.

45. Hobbes expressly states that the sovereign 'person' may be an *assembly* of men, but the natural associations of the term, when the sovereign is spoken of as a person, favour the development of a monarchical doctrine of sovereignty.

Sovereign power is attained either by acquisition or institution. By acquisition, when a man makes his children and their children, or a conqueror his enemies, to submit under fear of death. By institution, when men agree among themselves to submit to some man or assembly 'on confidence to be protected against all others.' Hobbes speaks (II. 17, end) as if there were two ways by which a commonwealth and a sovereign defined as above could be brought into existence, but clearly a sovereign by acquisition is not a sovereign in the sense explained. He does not 'carry a person of whose acts a great multitude by *mutual covenant* one with another, have made themselves everyone the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.' And what Hobbes describes in the sequel (c. 18) are, as he expressly says, rights of sovereigns by institution; but he seems tacitly to assume that every sovereign may claim the same, though he could hardly have supposed that the existing sovereignties were in their origin other than sovereignties by acquisition.

'A commonwealth is said to be instituted, when a multitude of men covenant, everyone with everyone, that to whatsoever man or assembly of men shall be given by the major part the right to represent the person of them all, everyone, as well he that voted for it as he that voted against it, shall authorise all the actions and judgments of that man or assembly of men, in the same manner as if they were his own, to the end to live peaceably amongst themselves, and to be protected against other men' (c. 18). Here

a distinction is drawn between the covenant of all with all to be bound by the act of the majority in appointing a sovereign, and that act of appointment itself which is not a covenant of all with all. The natural conclusion would be that it was no violation of the covenant if the majority afterwards transferred the sovereign power to other hands. But in the sequel Hobbes expressly makes out such a transference to be a violation of the original compact. This is an instance of his desire to vindicate the absolute right of a *de facto* monarch.

46. Throughout these statements we are moving in a region of fiction from which Spinoza keeps clear. Not only is the supposition of the devolution of wills or powers on a sovereign by a covenant historically a fiction (about that no more need be said); the notion of an obligation to observe this covenant, as distinct from a compulsion, is inconsistent with the supposition that there is no right other than power prior to the act by which the sovereign power is established. If there is no such right antecedent to the establishment of the sovereign power, neither can there be any after its establishment except in the sense of a power on the part of individuals which the sovereign power enables them to exercise. This power, or 'jus civile,' cannot itself belong to the sovereign, who enables individuals to exercise it. The only right which can belong to the sovereign is the 'jus naturale,'[1] consisting in the superiority of his power, and this right must be measured by the inability of the subjects to resist. If they *can* resist, the right has disappeared. In a successful resistance, then, to an ostensibly sovereign power, there can on the given supposition be no wrong done to that power. To say that there is, would be a contradiction in terms. Is such resistance, then, a violation of the 'jus civile' as between the several subject citizens? In the absence of a sovereign power, no doubt, the 'jus civile' (according to the view in question, which makes it depend on the existence of an 'imperium') would cease to exist. But then a successful resistance would simply show that there was no longer such a sovereign power. It would not

[1] 'The "jus naturale" is the liberty each man hath to use his own power as he will himself for the preservation of his own nature; that is to say of his own life; and consequently of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto.' (*Lev.*, I. 14.)

itself be a violation of 'jus civile,' but simply a proof that the conditions of 'jus civile' were no longer present. It might at the same time be a step to re-establishing them if, besides being a proof that the old 'imperium' no longer exists, it implied such a combination of powers as suffices to establish a new one.

47. No obligation, then, as distinct from compulsion, to submit to an ostensibly sovereign power can consistently be founded on a theory according to which right either = simple power, or only differs from it, in the form of 'jus civile,' through being a power which an 'imperium' enables individuals to exercise as against each other. Hobbes could not, indeed, have made out his doctrine (of the absolute submission to the sovereign) with any plausibility, if he had stated with the explicitness of Spinoza that 'jus naturale' = 'naturalis potentia.' That it is so is implied in the account of the state of things preceding the establishment of sovereignty as one of 'bellum omnium contra omnes'; for where there is no recognition of a common good, there can be no right in any other sense than power. But where there are no rights but natural power, no obligatory covenant can be made. In order, however, to get a sovereignty, to which there is a perpetual obligation of submission, Hobbes has to suppose a covenant of all with all, preceding the establishment of sovereignty, and to the observance of which, therefore, there cannot be an obligation in the sense that the sovereign punishes for the non-observance (the obligation corresponding to 'jus civile' in Spinoza's sense), but which no one can ever be entitled to break. As the obligatoriness of this covenant, then, cannot be derived from the sovereignty which is established through it, Hobbes has to ascribe it to a 'law of nature' which enjoins 'that men perform their covenants made' (*Lev.*, I. 15). Yet in the immediate sequel of this passage he says expressly, 'The nature of justice consisteth in the keeping of valid covenants, but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them; and then it is also that propriety begins.' On this principle the covenant by which a civil power is for the first time constituted cannot be a valid covenant. The men making it are not in a position to make a valid covenant at all. The 'law of nature,' to which alone Hobbes

can appeal according to his principles, as the source of the obligatoriness of the covenant of all with all, he defines as a 'precept or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same; and to omit that by which he thinketh it may best be preserved' (I. 14). When a law of nature, however, is said to command or forbid, we must not understand those terms in that sense which, according to Hobbes, could only be derived from the establishment of an 'imperium.' This 'law of nature,' therefore, is merely an expression in a general form of the instinct by which, as Spinoza says, every living creature 'in suo esse perseverare conatur,' as guided by a calculation of consequences (for no meaning but this can be given to 'reason' according to Hobbes). The prohibition, then, by this law of nature of a breach of that covenant of all with all, by which a sovereign power is supposed to be established, can properly mean nothing more than that it is everyone's interest to adhere to it. This, however, could only be a conditional prohibition, conditional, in particular, on the way in which the sovereign power is exercised. Hobbes tries to show that it must always be for the advantage of all to obey it, because not to do so is to return to the state of universal war; but a successful resistance to it must be *ipso facto* an establishment of a new combined power which prevents the 'bellum omnium contra omnes' from returning. At any rate, an obligation to submit to the established 'imperium,' measured by the self-interest of each in doing so, is quite a different thing from the obligation which Hobbes describes in terms only appropriate (according to his own showing) to contracts between individuals enforced by a sovereign power.

48. It would seem that Hobbes' desire to prove all resistance to established sovereignty unjustifiable leads him to combine inconsistent doctrines. He adopts the notion that men are 'natura hostes,' that 'jus naturale' = mere power, because it illustrates the benefit to man's estate derived from the establishment of a supreme power and the effects of the subversion of such power once established, which he assumes to be equivalent to a return to a state of nature. But this notion does not justify the view that a rebellion, which is strong enough to succeed, is wrong. For this purpose he has

to resort to the representation of the sovereign as having a right distinct from power, founded on a contract of all with all, by which sovereignty is established. This representation is quite alien to Spinoza, with whom sovereignty arises, it is true, when 'plures in unum conveniunt,' but in the sense of combining their powers, not of contracting. But after all, the fiction of this contract will not serve the purpose which Hobbes wants it to serve. The sovereignty established by the contract can only have a *natural* right to be maintained inviolate, for all other right presupposes it, and cannot be presupposed by it. If this natural right means mere power, then upon a successful rebellion it disappears. If it means anything else it must mean that there are natural rights of men, other than their mere power, which are violated by its subversion. But if there are such rights, there must equally be a possibility of collision between the sovereign power and these natural rights, which would justify a resistance to it.

49. It may be asked whether it is worth while to examine the internal consistency of a theory which turns upon what is admitted to be historically a fiction, the supposition of a contract of all with all. There are fictions and fictions however. The supposition that some event took place which as a matter of history did not take place may be a way of conveying an essentially true conception of some moral relation of man. The great objection to the representation of the right of a sovereign power over subjects, and the rights of individuals which are enforced by this 'imperium,' as having arisen out of a contract of all with all, is that it conveys a false notion of rights. It is not merely that the possibility of such a contract being made presupposes just that state of things—a *régime* of recognised and enforced obligations—which it is assumed to account for. Since those who contract must already have rights, the representation of society with its obligations as formed by contract implies that individuals have certain rights, independently of society and of their functions as members of a society, which they bring with them to the transaction. But such rights abstracted from social function and recognition could only be powers, or (according to Hobbes' definition) liberties to use powers, which comes to the same; i.e. they would not be rights at all; and from no combination or devolution of them could any right

in the proper sense, anything more than a combined power, arise.

50. Thus the only logical development of that separation of right from social duty which is implied in the doctrine of 'social contract,' is that of Spinoza. Happily the doctrine has not been logically developed by those whose way of thinking has been affected by it. The reduction of political right—the right of the state over its subjects—to superior power, has not been popularly accepted, though the general conception of *national* right seems pretty much to identify it with power. Among the enlightened, indeed, there has of late appeared a tendency to adopt a theory very like that of Spinoza, without the higher elements which we noticed in Spinoza; to consider all right as a power attained in that 'struggle for existence' to which human 'progress' is reduced. But for one person, who, as a matter of speculation, considers the right of society over him to be a disguised might, there are thousands who, as a matter of practice, regard their own right as independent of that correlation to duty without which it is merely a might. The popular effect of the notion that the individual brings with him into society certain rights which he does not derive from society,—which are other than claims to fulfil freely (i.e. for their own sake) certain functions towards society,—is seen in the inveterate irreverence of the individual towards the state, in the assumption that he has rights against society irrespectively of his fulfilment of any duties to society, that all 'powers that be' are restraints upon his natural freedom which he may rightly defy as far as he safely can.

D. *LOCKE.*

51. It was chiefly Rousseau who gave that cast to the doctrine of the origin of political obligation in contract, in which it best lends itself to the assertion of rights apart from duties on the part of individuals, in opposition to the counter-fallacy which claims rights for the state irrespectively of its fulfilment of its function as securing the rights of individuals. It is probably true that the *Contrat Social* had great effect on the founders of American independence, an effect which appears in the terms of the Declaration of Independence and in preambles to the constitutions of some of the original American states. But the essential ideas of Rousseau are to be found in Locke's *Treatise of Civil Government*, which was probably well known in America for half a century before Rousseau was heard of.[1] Locke again constantly appeals to Hooker's first book on *Ecclesiastical Polity*,[2] and Grotius[3] argues in exactly the same strain.

Hooker, Grotius, Hobbes, Locke, and Rousseau only differ in their application of the same conception; viz. that men live first in a state of nature, subject to a law of nature, also called the law of reason; that in this state they are in some sense free and equal; that 'finding many inconveniences' in it they covenant with each other to establish a

[1] Locke, *Civil Government*, chap. vii. sec. 87. 'Man, being born with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man or number of men in the world, hath by nature a power not only to preserve his life, liberty, and estate against . . . other men; but to judge of and punish the breaches of that law in others. . . . There, and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it.'

[2] 'Laws human, of what kind soever, are available by consent,' Hooker, *Eccl. Pol.* I. 10 (quoted by Locke, *l. c.* chap. xi. sec. 134). 'To be commanded we do consent, when that society, whereof we be a part, hath at any time before consented, without revoking the same after by the like universal agreement.' Hooker; *ibid.*

[3] *De jure belli et pacis*, Proleg. secs. 15 and 16.

government—a covenant which they are bound by the 'law of nature' to observe—and that out of this covenant the obligation of submission to the 'powers that be' arises. Spinoza alone takes a different line: he does not question the state of nature or the origin of government in a combination of men who find the state of nature 'inconvenient'; but he regards this combination as one of powers directed to a common end, and constituting superior force, not as a covenant which men are bound by the law of nature to observe.

52. The common doctrine is so full of ambiguities that it readily lends itself to opposite applications. In the first place 'state of nature' may be understood in most different senses. The one idea common to all the writers who suppose such a state to have preceded that of civil society is a negative one. It was a state which was *not* one of political society, one in which there was no civil government; i.e. no supreme power, exercised by a single person or plurality of persons, which could compel obedience on the part of all members of a society, and was recognised as entitled to do so by them all, or by a sufficient number of them to secure general obedience. But was it one of society at all? Was it one in which men had no dealings with each other except in the way of one struggling to make another serve his will and to get for himself what the other had, or was it one in which there were ties of personal affection and common interest, and recognised obligations, between man and man? Evidently among those who spoke of a state of nature, there were very various and wavering conceptions on this point. They are apt to make an absolute opposition between the state of nature and the political state, and to represent men as having suddenly contracted themselves out of one into the other. Yet evidently the contract would have been impossible unless society in a form very like that distinctively called political had been in existence beforehand. If political society is to be supposed to have originated in a pact at all, the difference between it and the preceding state of nature cannot, with any plausibility, be held to have been much more than a difference between a society regulated by written law and officers with defined power and one regulated by customs and tacitly recognised authority.

53. Again, it was held that in a state of nature men were

'free and equal.' This is maintained by Hobbes as much as by the founders of American independence. But if freedom is to be understood in the sense in which most of these writers seem to understand it, as a power of executing, of giving effect to, one's will, the amount of freedom possessed in a state of nature, if that was a state of detachment and collision between individuals, must have been very small. Men must have been constantly thwarting each other, and (in the absence of that 'jus in naturam,' as Spinoza calls it, which combination gives) thwarted by powers of nature. In such a state those only could be free, in the sense supposed, who were *not* equal to the rest; who, in virtue of superior power, could use the rest. But whether we suppose an even balance of weaknesses, in subjection to the crushing forces of nature, or a dominion of few over many by means of superior strength, in such a state of nature no general pact would be possible. No equality in freedom is possible except for members of a society of whom each recognises a good of the whole which is also his own, and to which the free co-operation of all is necessary. But if such society is supposed in the state of nature—and otherwise the 'pact' establishing political society would be impossible—it is already in principle the same as political society.

54. It is not always certain whether the writers in question considered men to be actually free and equal in the state of nature, or only so according to the 'law of nature,' which might or might not be observed. (Hobbes represents the freedom and equality in the state of nature as actual, and this state as being for that reason 'bellum omnium contra omnes.') They all, however, implicitly assume a *consciousness* of the law of nature in the state of nature. It is thus not a law of nature in the sense in which we commonly use the term. It is not a law according to which the agents subject to it act necessarily but without consciousness of the law. It is a law of which the agent subject to it has a consciousness, but one according to which he may or may not act; i.e. one according to which he *ought* to act. It is from it that the obligation to submission to civil government, according to all these writers, is derived. But in regard to such a law, two questions have to be asked: firstly, how can the consciousness of obligation arise without recognition by the individual of claims on the part of others—social claims

in some form or other—which may be opposed to his momentary inclinations? and secondly, given a society of men capable of such a consciousness of obligation, constituting a law according to which the members of the society are free and equal, in what does it differ from a political society? If these questions had been fairly considered, it must have been seen that the distinction between a political society and a state of nature, governed by such a law of nature, was untenable; that a state of things out of which political society could have arisen by compact, must have been one in which the individual regarded himself as a member of a society which has claims on him and on which he has claims, and that such society is already in principle a political society. But the ambiguity attending the conception of the law of nature prevented them from being considered. When the writers in question spoke of a law of nature, to which men in the state of nature were subject, they did not make it clear to themselves that this law, as understood by them, could not exist at all without there being some recognition or consciousness of it on the part of those subject to it. The designation of it as 'law of nature' or 'law of God' helped to disguise the fact that there was no imponent of it, in the sense in which a law is imposed on individuals by a political superior. In the absence of such an imponent, unless it is either a uniformity in the relations of natural events or an irresistible force —and it is not represented in either of these ways in juristic writings—it can only mean a recognition of obligation arising in the consciousness of the individual from his relations to society. But this not being clearly realised, it was possible to represent the law of nature as antecedent to the laws imposed by a political superior, without its being observed that this implied the antecedence of a condition of things in which the result supposed to be obtained through the formation of political society—the establishment, viz. of reciprocal claims to freedom and equality on the part of members of a society—already existed.

55. In fact, the condition of society in which it could properly be said to be governed by a law of nature, i.e. by an obligation of which there is no imponent but the consciousness of man, an obligation of which the breach is not punished by a political superior, is not antecedent to political society, but one which it gradually tends to produce. It is

the radical fault of the theory which finds the origin of political society in compact, that it has to reverse the true process. To account for the possibility of the compact of all with all, it has to assume a society subject to a law of nature, prescribing the freedom and equality of all. But a society governed by such a law as a law of nature, i.e. with no imponent but man's consciousness, would have been one from which political society would have been a decline, one in which there could have been no motive to the establishment of civil government. Thus this theory must needs be false to itself in one of two ways. Either it is false to the conception of a law of nature, with its prescription of freedom and equality, as governing the state of things prior to the compact by which political society is established, only introducing the law of nature as the ground of the obligatoriness of that compact, but treating the state of nature as one of universal war in which no reciprocal claims of any sort were recognised, (so Hobbes); or just so far as it realises the conception of a society governed by a law of nature, as equivalent to that spontaneous recognition by each of the claims of all others, without which the covenant of all with all is in fact unaccountable, it does away with any appearance of necessity for the transition from the state of nature to that of political society and tends to represent the latter as a decline from the former. This result is seen in Rousseau; but to a great extent Rousseau had been anticipated by Locke. The broad differences between Locke and Hobbes in their development of the common doctrine, are (1) that Locke denies that the state of nature is a state of war, and (2) that Locke distinguishes the act by which political society is established from that by which the government, legislative and executive, is established, and is consequently able to distinguish the dissolution of the political society from the dissolution of the government (*Civ. Gov.* Chapter XIX. § 211).

56. The 'state of nature' and the 'state of war' 'are so far distant as a state of peace, good-will, mutual assistance and preservation, and a state of enmity, malice, violence, and mutual destruction, are from one another. Men living together, according to reason, without a common superior on earth with authority to judge between them, is properly the state of nature. But force, or a declared design of force, upon the person of another, where there is no common

superior on earth to appeal to for relief, is the state of war' (*Civ. Gov.* III. § 19). In the state of nature, however, when the state of war has once begun, there is not the same means of terminating it as in civil society.

The right of war may belong to a man, 'though he be in society and a fellow-subject,' when his person or property is in such immediate danger that it is impossible to appeal for relief to the common superior. 'But when the actual force is over, the state of war ceases between those that are in society . . . because there lies the remedy of appeal for the past injury and to prevent future harm.' In the state of nature, when the state of war has once begun, it continues until the aggressor offers peace and reparation. The state of war, though not proper to the state of nature, is a frequent incident of it, and to avoid it is one great reason of men's putting themselves into society (*ib.* § 21). The state of nature is not one that is altogether over and done with. 'All rulers of independent governments all through the world are in a state of nature.' The members of one state in dealing with those of another are in a state of nature, and the law of nature alone binds them. 'For truth and keeping of faith belongs to men as men, and not as members of society' (*Civ. Gov.* II. § 14). 'All men are naturally in that state and remain so till by their own consents they make themselves members of some politic society' (*ib.* § 15).

57. The antithesis, as put above, between the state of nature and the state of war, can only be maintained on the supposition that the 'law of nature' is observed in a state of nature. Locke does not explicitly state that this is the case. If it were so, it would not appear how the state of war should arise in the state of nature. But he evidently thought of the state of nature as one in which men recognised the law of nature, though without fully observing it. He quotes with approval from Hooker language which implies that not only is the state of nature a state of equality, but that in it there is such consciousness of equality with each other on the part of men that they recognise the principle 'do as you would be done by' (*Civ. Gov.* II. § 5). With Hobbes, in the supposed state of nature the 'law of nature' is emphatically *not* observed, and hence it is a state of war. As has been pointed out above, a 'law of nature' in the sense in which these writers

use the term, as a law which obliges but yet has no imponent in the shape of a sovereign power, is, as Locke says (§ 136), 'nowhere to be found but in the minds of men'; it can only have its being in the consciousness of those subject to it. If therefore we are to suppose a state of nature in which such a law of nature exists, it is more consistent to conceive it in Locke's way than in that of Hobbes; more consistent to conceive it as one in which men recognise duties to each other than as a 'bellum omnium contra omnes.'

58. As to the second point, from his own conception of what men are in the state of nature, and of the ends for which they found political societies, Locke derives certain necessary limitations of what the supreme power in a commonwealth may rightfully do. The prime business of the political society, once formed, is to establish the legislative power. This is 'sacred and unalterable in the hands where the community have once placed it' (*Civ. Gov.* XI. § 134); 'unalterable,' that is, as we gather from the sequel, by anything short of an act of the community which originally placed it in these hands. But as men in a state of nature have 'no arbitrary power' over each other (which must mean that according to the 'law of nature' they have no such power), so they cannot transfer any such power to the community nor it to the legislature. No legislature can have the right to destroy, enslave, or designedly impoverish the subjects. And as no legislature can be entitled to do anything which the individual in the state of nature would not by the law of nature be entitled to do, so its great business is to declare the law of nature in general terms and administer it by known authorised judges. The state of nature, Locke seemed to think, would have done very well, but for the inconvenience of every man being judge in his own case of what the law of nature requires. It is to remedy this inconvenience by establishing (1) a settled law, received by common consent, (2) a known and indifferent judge, (3) a power to enforce the decisions of such a judge, that political society is formed.

Hence a legislature violates the 'trust that is put in it' by society unless it observes the following rules: (1) it is to govern 'by promulgated established laws,' not to be varied to suit particular interests; (2) these laws are to be designed only for the good of the people; (3) it must not raise taxes

but by consent of the people through themselves or their deputies; (4) it neither 'must, nor can, transfer the power of making laws to anybody else, or place it anywhere but where the people have' (*Civ. Gov.* XI. § 142).

59. Thus 'the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislature.' Subject to this ultimate 'sovereignty' (a term which Locke does not use) of the people, the legislative is necessarily the supreme power, to which the executive is subordinate. An appearance to the contrary can only arise in cases where (as in England) the supreme executive power is held by a person who has also a share in the legislative. Such a person may 'in a very tolerable sense be called supreme.' It is not, however, to him as supreme legislator (which he is not, but only a participator in supreme legislation) but to him as supreme executor of the law that oaths of allegiance are taken. It is only as executing the law that he can claim obedience, his executive power being, like the power of the legislative, 'a fiduciary trust placed in him' to enforce obedience to law and that only (*Civ. Gov.* XIII. § 151). This distinction of the supreme power of the people from that of the supreme executive, corresponding to a distinction between the act of transferring individual powers to a society and the subsequent act by which that society establishes a particular form of government, enables Locke to distinguish what Hobbes had confounded, the dissolution of government and the dissolution of political society.

60. He gets rid of Hobbes' notion, that because the 'covenant of all with all,' by which a sovereignty is established, is irrevocable, therefore the government once established is unalterable. He conceives the original pact merely as an agreement to form a civil society, which must indeed have a government, but not necessarily always the same government. The pact is a transfer by individuals of their natural rights to a society, and can only be cancelled through the dissolution of the society by foreign conquest. The delegation by the society of legislative and executive powers to a person or persons is a different matter. The society always retains the right, according to Locke, of resuming the powers thus delegated, and must exercise the right in the event either of the legislative being altered,

(placed in different hands from those originally intended), of a collision between its executive and legislative officers, or of a breach between different branches of the legislature (when as in England there are such different branches), or when legislative and executive or either of them 'act contrary to their trust.' He thus in effect vindicates the right of revolution, ascribing to a 'sovereign people' the attributes which Hobbes assigned to a 'person,' single or corporate, on which the people forming a society were supposed by an irrevocable act to have devolved their powers. In other words, he considered the whole civil society in all cases to have the rights which Hobbes would only have allowed it to possess where the government was not a monarchy or aristocracy but a democracy; i.e. where the supreme 'person' upon which all devolve their several 'personæ' is an 'assembly of all who will come together.' As such a democracy did not then exist in Europe, any more than it does now, except in some Swiss cantons, the practical difference between the two views was very great. Both Locke and Hobbes wrote with a present political object in view, Hobbes wishing to condemn the Rebellion, Locke to justify the Revolution. For practical purposes, Locke's doctrine is much the better; but if Hobbes' translation of the irrevocableness of the covenant of all with all into the illegitimacy of resistance to an established government in effect entitles any tyrant[1] to do as he likes, on the other hand, it is impossible upon Locke's theory to pronounce when resistance to a *de facto* government is legitimate or otherwise. It would be legitimate according to him when it is an act of the 'sovereign people' (not that Locke uses the phrase), superseding a government which has been false to its trust. But this admitted, all sorts of questions arise as to the means of ascertaining what is and what is not an act of the 'sovereign people.'

61. The rapid success of the revolution without popular disorder prevented Locke's theory from becoming of importance, but in the presence of such sectarian enthusiasm as existed in Hobbes' time it would have become dangerous. It would not any more than that of Hobbes justify resistance to 'the powers that be' on the part of any body of men short of the civil society acting as a whole, i.e. by a majority.

[1] According to Hobbes, tyranny = 'monarchy misliked'; oligarchy = 'aristocracy misliked.'

The sectaries of the time of the Rebellion, in pleading a natural or divine right to resist the orders of the government, would have been as much condemned by Locke's theory as by that of Hobbes. But who can say when any popular action by which established powers, legislative or executive, are resisted or altered is an act of the 'sovereign people,' of the civil society acting as a whole, or no. Where government is democratic, in Hobbes' sense, i.e. vested in an assembly of all who will come together, the act of the 'sovereign people' is unmistakeable. It is the act of the majority of such an assembly. But in such a case the difficulty cannot arise. There can be no withdrawal by the sovereign people of power from its legislative or executive representatives, since it has no such representatives. In any other case it would seem impossible to say whether any resistance to, or deposition of, an established legislative or executive is the act of the majority of the society or no Any sectary or revolutionary may plead that he has the 'sovereign people' on his side. If he fails, it is not certain that he has them not on his side; for it may be that, though he has the majority of the society on his side, yet the society has allowed the growth within it of a power which prevents it from giving effect to its will. On the other hand, if the revolution succeeds, it is not certain that it had the majority on its side when it began, though the majority may have come to acquiesce in its result. In short, on Locke's principle that any particular government derives its authority from an act of the society, and society by a like act may recall the authority, how can we ever be entitled to say that such an act has been exercised?

62. It is true that there is no greater difficulty about supposing it to be exercised in the dissolution than in the establishment of a government, indeed not so much; but the act of first establishing a government is thrown back into an indefinite past. It may easily be taken for granted without further inquiry into the conditions of its possibility. On the other hand, as the act of legitimately dissolving a government or superseding one by another has to be imagined as taking place in the present, the inquiry into the conditions of its possibility cannot well be avoided. If we have once assumed with Hobbes and Locke, that the authority of government is derived from a covenant of all with all,

—either directly or mediately by a subsequent act in which the covenanted society delegates its powers to a representative or representatives,—it will follow that a like act is required to cancel it; and the difficulties of conceiving such an act under the conditions of the present are so great, that Hobbes' view of the irrevocableness of the original act by which any government was established has much to say for itself. If the authority of any government—its claim on our obedience—is held to be derived not from an original covenant, or from any covenant, but from the function which it serves in maintaining those conditions of freedom which are conditions of the moral life, then no act of the people in revocation of a prior act need be reckoned necessary to justify its dissolution. If it ceases to serve this function, it loses its claim on our obedience. It is a *παρέκβασις*. (Here again the Greek theory, deriving the authority of government not from consent but from the end which it serves, is sounder than the modern.) Whether or no any particular government has on this ground lost its claim and may be rightly resisted, is a question, no doubt, difficult for the individual to answer with certainty. In the long run, however, it seems generally if not always to answer itself. A government no longer serving the function described—which, it must be remembered, is variously served according to circumstances—brings forces into play which are fatal to it. But if it is difficult upon this theory for the individual to ascertain, as a matter of speculation, whether resistance to an established government is justified or no, at any rate upon this theory such a justification of resistance is possible. Upon Locke's theory, the condition necessary to justify it—viz. an act of the whole people governed—is one which, anywhere except in a Swiss canton, it would be impossible to fulfil. For practical purposes, Locke comes to a right result by ignoring this impossibility. Having supposed the reality of one impossible event,—the establishment of government by compact or by the act of a society founded on compact,—he cancels this error in the result by supposing the possibility of another transaction equally impossible, viz. the collective act of a people dissolving its government.

63. It is evident from the chapter (XIX.) on the 'dissolution of government' that he did not seriously contemplate the conditions under which such an act could be exercised.

What he was really concerned about was to dispute 'the right divine to govern wrong' on the part of a legislative as much as on the part of an executive power; to maintain the principle that government is only justified by being for the good of the people, and to point out the difference between holding that some government is necessarily for the good of the people, and holding that any particular government is for their good, a difference which Hobbes had ignored. In order to do this, starting with the supposition of an actual deed on the part of a community establishing a government, he had to suppose a reserved right on the part of the community by a like deed to dissolve it. But in the only particular case in which he contemplates a loss by the legislature of its representative character, he does not suggest the establishment of another by an act of the whole people. He saw that the English Parliament in his time could not claim to be such as it could be supposed that the covenanting community originally intended it to be. 'It often comes to pass,' he says, 'in governments where part of the legislative consists of representatives chosen by the people, that in tract of time this representation becomes very unequal and disproportionate to the reasons it was first established upon. . . . The bare name of a town, of which there remains not so much as the ruins, where scarce so much housing as a sheepcote, or more inhabitants than a shepherd is to be found, sends as many representatives to the grand assembly of law-makers, as a whole county, numerous in people, and powerful in riches. This strangers stand amazed at, and everyone must confess needs a remedy; though most think it hard to find one, because the constitution of the legislative being the original and supreme act of the society antecedent to all positive laws in it, and depending wholly on the people, no inferior power can alter it. And therefore the people, when the legislative is once constituted, having, in such a government as we have been speaking of, no power to act as long as the government stands, this inconvenience is thought incapable of a remedy' (Chapter XIII. § 157). The only remedy which he suggests is not an act of the sovereign people, but an exercise of prerogative on the part of the executive, in the way of redistributing representation, which would be justified by 'salus populi suprema lex.'

E. *ROUSSEAU.*

64. THAT 'sovereignty of the people,' which Locke looks upon as held in reserve after its original exercise in the establishment of government, only to be asserted in the event of a legislature proving false to its trust, Rousseau supposes to be in constant exercise. Previous writers had thought of the political society or commonwealth, upon its formation by compact, as instituting a sovereign. They differed chiefly on the point whether the society afterwards had or had not a right of displacing an established sovereign. Rousseau does not think of the society, *civitas* or commonwealth, as thus instituting a sovereign, but as itself in the act of its formation becoming a sovereign and ever after continuing so.

65. In his conception of a state of nature, Rousseau does not differ from Locke. He conceives the motive for passing out of it, however, somewhat differently and more after the manner of Spinoza. With Locke the motive is chiefly a sense of the desirability of having an impartial judge, and efficient enforcement of the law of nature. According to Rousseau, some pact takes place when men find the hindrances to their preservation in a state of nature too strong for the forces which each individual can bring to bear against them. This recalls Spinoza's view of the 'jus in naturam' as acquired by a combination of the forces of individuals in civil society.

66. The 'problem of which the social contract is a solution' Rousseau states thus: 'To find a form of association which protects with the whole common force the person and property of each associate, and in virtue of which everyone, while uniting himself to all, only obeys himself and remains as free as before.' (*Contrat Social*, I, vi.) The terms of the contract which solves this problem Rousseau states thus:

'Each of us throws into the common stock his person and all his faculties under the supreme direction of the general will; and we accept each member as an individual part of the whole. . . . There results from this act of association, in place of the several persons of the several contracting parties, a collective moral body, composed of as many members as there are voices in the assembly, which body receives from this act its unity, its common self, its life, and its will. . . . It is called by its members a *state* when it is passive, a *sovereign* when it is active, a *power* when compared with similar bodies. The associates are called collectively a *people*, severally *citizens* as sharing in the sovereign authority, *subjects* as submitted to the laws of the state.' (*Ib.*) Each of them is under an obligation in two relations, 'as a member of the sovereign body towards the individuals, and as a member of the state towards the sovereign.' All the subjects can by a public vote be placed under a particular obligation towards the sovereign, but the sovereign cannot thus incur an obligation towards itself. It cannot impose any law upon itself which it cannot cancel. Nor is there need to restrict its powers in the interest of the subjects. For the sovereign body, being formed only of the individuals which constitute it, can have no interest contrary to theirs. 'From the mere fact of its existence, it is always all that it ought to be' (since, from the very fact of its institution, all merely private interests are lost in it). On the other hand, the will of the individual (his particular interest as founded upon his particular desires) may very well conflict with that general will which constitutes the sovereign. Hence the social pact necessarily involves a tacit agreement, that anyone refusing to conform to the general will shall be forced to do so by the whole body politic; in other words, 'shall be forced to be free,' since the universal conformity to the general will is the guarantee to each individual of freedom from dependence on any other person or persons. (I, vii.)

67. The result to the individual may be stated thus. He exchanges the natural liberty to do and get what he can, a liberty limited by his relative strength, for a liberty at once limited and secured by the general will; he exchanges the mere possession of such things as he can get, a possession which is the effect of force, for a property founded on a positive title, on the guarantee of society. At the same

time he becomes a moral agent. Justice instead of instinct becomes the guide of his actions. For the moral slavery to appetite he substitutes the moral freedom which consists in obedience to a self-imposed law. Now for the first time it can be said that there is anything which he *ought* to do, as distinguished from that which he is *forced* to do. (I, viii.)

68. Such language makes it clear that the sovereignty of which Rousseau discusses the origin and attributes, is something essentially different from the supreme coercive power which previous writers on the 'jus civile' had in view. A contemporary of Hobbes had said that

> 'there's on earth a yet auguster thing,
> Veiled though it be, than Parliament and King.'

It is to this 'auguster thing,' not to such supreme power as English lawyers held to be vested in 'Parliament and King,' that Rousseau's account of the sovereign is really applicable. What he says of it is what Plato or Aristotle might have said of the *θεῖος νοῦς*, which is the source of the laws and discipline of the ideal polity, and what a follower of Kant might say of the 'pure practical reason,' which renders the individual obedient to a law of which he regards himself, in virtue of his reason, as the author, and causes him to treat humanity equally in the person of others and in his own always as an end, never merely as a means. But all the while Rousseau himself thinks that he is treating of the sovereign in the ordinary sense; in the sense of some power of which it could be reasonably asked how it was established in the part where it resides, when and by whom and in what way it is exercised. A reader of him who is more or less familiar with the legal conception of sovereignty, but not at all with that of practical reason or of a 'general will,' a common ego, which wills nothing but what is for the common good, is pretty sure to retain the idea of supreme coercive power as the attribute of sovereignty, and to ignore the attribute of pure disinterestedness, which, according to Rousseau, must characterise every act that can be ascribed to the sovereign.

69. The practical result is a vague exaltation of the prerogatives of the sovereign people, without any corresponding limitation of the conditions under which an act is to be deemed that of the sovereign people. The justifiability of laws and acts of government, and of the rights which these

confer, comes to be sought simply in the fact that the people wills them, not in the fact that they represent a true 'volonté générale,' an impartial and disinterested will for the common good. Thus the question of what really needs to be enacted by the state in order to secure the conditions under which a good life is possible, is lost sight of in the quest for majorities; and as the will of the people in any other sense than the measure of what the people will tolerate is really unascertainable in the great nations of Europe, the way is prepared for the sophistries of modern political management, for manipulating electoral bodies, for influencing elected bodies, and procuring plébiscites.

70. The incompatibility between the ideal attributes which Rousseau ascribes to the sovereign and any power that can actually be exercised by any man or body of men becomes clearer as we proceed. He expressly distinguishes 'sovereignty' from power, and on the ground of this distinction holds that it cannot be alienated, represented, or divided. 'Sovereignty being simply the exercise of the general will can never be alienated, and the sovereign, who is only a collective being, can only be represented by himself. Power can be transmitted, but not will.' (II, i.) In order to the possibility of a representation of the general will, there must be a permanent accord between it and the individual will or wills of the person or persons representing it. But such *permanent* accord is impossible. (*Ib.*) Again, a general will is from the nature of the case indivisible. It is commonly held to be divided, not, indeed, in respect of its source, but in respect of the objects to which its acts are directed, e.g. into legislative and executive powers; into rights of taxation, of war, of justice, &c. But this supposed division of sovereign powers or rights implies that 'what are only emanations from the sovereign authority are taken to be parts of it.' (II, ii.) The only exercise of sovereign power, properly so called, is in legislation, and there is no proper act of legislation except when the whole people comes to a decision with reference to the whole people. Then the matter decided on is as general as the will which decides on it; and this is what constitutes a law. (II, vi.) By this consideration several questions are answered. Whose office is it to make laws? It is that of the general will, which can neither be alienated nor represented. Is the prince above the law?

The answer is, He is a member of the state, and cannot be so. Can the law be unjust? No one can be unjust to himself: therefore not the whole people to the whole people. How can we be free and yet subject to the laws? The laws are the register of our own will. (*Ib.*) Laws, in short, are properly those general 'conditions of civil association' which the associates impose on themselves. Where either of the specified conditions is lacking, where either it is not the universal will from which an ordinance proceeds or it is not the whole people to which it relates, it is not a law but a decree, not an act of sovereignty but of magistracy. (*Ib.*)

71. This leads to a consideration of the nature and institution of magistracy or government. (III, i.) The government is never the same as the sovereign. The two are distinguished by their functions, that of the one being legislative, that of the other executive. Even where the people itself governs, its acts of government must be distinguished from its acts of sovereignty, the former having a particular, the latter a general, reference. Government is the exercise according to law of the executive power, and the 'prince' or 'magistrate' is the man or body of men charged with this administration; 'a body intermediary between the subjects and the sovereign, charged with the execution of the laws, and with the maintenance of civil and political freedom' (*Ib.*) Where all or most of the citizens are magistrates, or charged with the supreme functions of government, we have a democracy; where a few, an aristocracy; where one is so charged, a monarchy. (III, iii.) The differences depend, not as Hobbes and others had supposed, on the quarter where the sovereignty resides—for it must always reside in the whole body of people—but on that in which government resides. The idea of government is that the dominant will of the prince should be the general will or law, that it should be simply the public force by which that general will is brought to bear on individuals or against other states, serving the same purpose in the state as the union of soul and body in the individual (III, i.); and this idea is most likely to be satisfied under a democracy. There, the general will (if there *is* a general will, which the democracy is no guarantee for there being, according to Rousseau's distinction between the 'volonté générale' and 'volonté de tous,' of which more hereafter) cannot fail to coincide with the

dominant will of the government. The prevalence of particular interests may prevent there being a will at all of the kind which Rousseau would count general or truly sovereign, but they cannot be more prevalent in the magistracy, constituted by the whole people, than in the same people acting in the way of legislation. In a democracy, therefore, the will of the sovereign, so far as there is a sovereign in the proper sense, necessarily finds expression in the will of the magistracy. On the other hand, though under either of the other forms of government there is danger of collision between sovereign and government, yet the force of the government is greater than in a democracy. It is greatest when the government is a monarchy, because under all other forms there is more or less discrepancy between the individual wills of the several persons composing the government, as directed to the particular good of each, and the corporate will of the government of which the object is its own efficiency, and under a monarchy this source of weakness is avoided. (III, ii.) As there is more need of force in the government in proportion to the number of subjects whose particular wills it has to control, it follows that monarchy is best suited to the largest, democracy to the smallest states. (III, iii.)

72. As to the institution of government, Rousseau maintains strenuously that it is not established by contract. 'There is only one contract in the state, viz. that of the original association; and this excludes every other. No other public contract can be imagined which would not be a violation of the first.' (III, xvi.) Even when government is vested in an hereditary body, monarchic or aristocratic, this is merely a provisional arrangement, made and liable to be reversed by the sovereign, whose officers the governors are. The act by which government is established is twofold, consisting firstly of the passing of a law by the sovereign, to the effect that there shall be a government; secondly, of an act in execution of this law, by which the governors—the 'magistrates'—are appointed. But it may be asked, How can the latter act, being one not of sovereignty but of magistracy (for it has a particular reference in the designation of the governors), be performed when as yet there is no government? The answer is that the people resolves itself from a sovereign body into a body of magistrates, as the English

Parliament resolves itself constantly from a legislative body into a committee. In other words, by a simple act of the general will a democracy is for the time established, which then proceeds either to retain the government in its own hands, or to place it in those of an officer, according to the form in which the sovereign has decided to establish the government. (III, xvii.) Acts similar to that by which the government was originally constituted need to be periodically repeated in order to prevent the government from usurping the functions of the sovereign, i.e. the function of legislation. (Could this usurpation occur under a democracy?) In order that the sovereignty may not fall into abeyance, it must be exercised, and it can only be exercised in assemblies of the whole people. These must be held periodically, and at their opening two questions ought to be submitted; one, whether it pleases the sovereign to maintain the present form of government; the other, whether it pleases the people to leave the administration in the hands of those at present charged with it. (III, xviii.) Such assemblies are entitled to revise and repeal all previously enacted laws. A law not so repealed the sovereign must be taken tacitly to confirm, and it retains its authority. But as the true sovereign is not any law but the general will, no law, even the most fundamental, can be exempt from liability to repeal. Even the social pact itself might legitimately be dissolved, by agreement of all the citizens assembled. (*Ib.*) (Whether unanimity is necessary for the purpose is not specified.) Without such assemblies there can be no exercise of the general will (which, as before stated, cannot be represented), and consequently no freedom. The English people, e.g., is quite mistaken in thinking itself free. It is only free while the election of members of Parliament is going on. As soon as they are elected, it is in bondage, it is nothing. In the short moments of its freedom it makes such a bad use of it that it well deserves to lose it. (III, xv.)

73. It appears from the above that, according to Rousseau, the general will, which is the true sovereign, can only be exercised in assemblies of the whole people. On the other hand, he does not hold that an act of such an assembly is necessarily an act of the general will. After telling us that the 'general will is always right, and always tends to the public good,' he adds, 'but it does not follow that the delibe-

rations of the people have always the same rectitude. . . . There is often a great difference between the will of all and the general will. The latter only looks to the common interest; the other looks to private interests, and is only a sum of the wills of individuals.' (II, iii.) Again (II, iv.), 'that which generalises the will is not so much the number of voices as the common interest which unites them.' He holds apparently that in the assembly of the whole people, if they had sufficient information, and if no minor combinations of particular interests were formed within the entire body, the difference between the wills of individuals would neutralise each other, and the vote of the whole body would express the true general will. But in fact in all assemblies there is at least a liability to lack of information and to the formation of cliques; and hence it cannot be held that the vote of the assembly necessarily expresses the general will. Rousseau, however, does not go so far as to say that unless the law is actually such as contributes to the common good, it is not an expression of the general will. The general will, according to him, always aims at or wills the common good, but is liable to be mistaken as to the means of attaining it. 'It is always right, but the judgment which guides it is not always enlightened. . . . Individuals see the good which they reject; the public wills the good which it does not see.' (II, vi.) Hence the need of a guide in the shape of a great lawgiver. Apparently, however, the possible lack of enlightenment on the part of the general will does not, in Rousseau's view, prevent its decisions from being for the public good. In discussing the 'limits of the sovereign power' he maintains that there can be no conflict between it and the natural right of the individual, because, 'although it is only that part of his power, his goods, his freedom, of which the use is important to the community, that the individual transfers to the sovereign by the social pact, yet the sovereign alone can be judge of the importance'; and the sovereign 'cannot lay on the subjects any constraint which is not for the good of the community.' 'Under the law of reason' (which is thus identified with the general will) 'nothing is done without a cause, any more than under the law of nature.' (II, iv.)

74. But though even an unenlightened general will is the general will still, and (as we are left to infer) cannot in its decisions do otherwise than promote the public good,

Rousseau distinctly contemplates the possibility of the general will being so overpowered by particular interests that it finds no expression in the votes of a popular assembly, though the assembly be really one of a whole people, and the vote of the majority is duly taken. (IV, i.) In such cases it is not that the general will is 'annihilated or corrupted; it is always constant, unalterable, and pure.' Even in the individual whose vote is governed by his private interest the general will is not extinct, nor is he unaware either of what the public good requires or of the fact that what is for the public good is also for his own. But his share in the public evil to which he knows that his vote will contribute, seems nothing by the side of the special private good which he hopes to gain. By his vote, in short, he does not answer the question, Is so and so for the advantage of the state? but, Is it for the advantage of this particular man or party? (*Ib.*)

75. The test of the dominance of the general will in assemblies of the people is an approach to unanimity. 'Long debates, discussions, tumult, indicate the ascendency of particular interests and the decline of the state.' (IV, ii.) Rousseau, however, does not venture to say that absolute unanimity in the assembly is necessary to an expression of the general will, or to give a law a claim upon the obedience of the subjects. This would have been to render effectual legislation impossible. Upon the theory, however, of the foundation of legitimate sovereignty in consent, the theory that the natural right of the individual is violated unless he is himself a joint imponent of the law which he is called to obey, it is not easy to see what rightful claim there can be to the submission of a minority. Rousseau so far recognises the difficulty that he requires unanimity in the original compact. (IV, ii.) If among those who are parties to it there are others who oppose it, the result is simply that the latter are not included in it. 'They are strangers among the citizens.' But this does not explain how they are to be rightfully controlled, on the principle that the only rightful control is founded on consent; or, if they are not controlled, what is the value of the 'social compact.' How can the object of the pact be attained while those who are bound by it have these 'strangers' living among them who are not bound by it, and who, not being bound by it, cannot be

rightfully controlled? The difficulty must recur with each generation of the descendants of those who were parties to the original pact. The parties to the pact, it is true, have no right to resist the general will, because the pact is *ex hypothesi* to the effect that each individual, in all things of common concern, will take the general will for his own. The true form, therefore, of the question upon which each party to the pact should consider himself to be voting in the assembly is, as Rousseau puts it, not 'Is the proposed measure what I wish for, or what I approve, or no?' but 'Is it in conformity with the general will?' If, having voted upon this question, he finds himself in a minority, he is bound to suppose that he is mistaken in his views of the general will, and to accept the decision of the majority as the general will which, by the pact, he is bound to obey. So far all is consistent; though how the individual is to be answered if he pleads that the vote of the assembly has been too much biassed by particular interests to be an expression of the general will, and that therefore it is not binding on him, does not appear.

76. But after the first generation of those who were parties to the supposed original compact, what is to settle whether anyone is a party to it or no? Rousseau faces the question, but his only answer is that when once the state is instituted, consent is implied in residence; 'to dwell on the territory is to submit to the sovereignty.' (IV, ii.) This answer, however, will scarcely stand examination. Rousseau himself does not consider that residence in the same region with the original parties to the pact renders those so resident also parties to it. Why should it do so, when the pact has descended to a later generation? It may be argued of course that everyone residing in a settled society, which secures him in his rights of person and property, has the benefit of the society from the mere fact of his residence in it, and is therefore morally bound to accept its laws. But this is to abandon the doctrine of obligation being founded on consent. Residence in a territory governed by a certain sovereign can only be taken to imply consent to the rule of that sovereign, if there is any real possibility of relinquishing it, and this there can scarcely ever be.

77. Rousseau certainly carried out the attempt to reconcile submission to government with the existence of natural

rights antecedent to the institution of government, by the hypothesis of a foundation of government in consent, more consistently than any other writer; and his result shows the hopelessness of the attempt. To the consistency of his theory he sacrifices every claim to right on the part of any state except one in which the whole body of citizens directly legislates, i.e. on the part of nearly all states then or now existing; and finally he can only justify the control of the minority by the majority in any state whatever by a subterfuge. It does not follow, however, because the doctrine of natural rights and the consequent conception of government as founded on compact are untenable, that there is no truth in the conception of the state or sovereign as representing a general will, and as authorised or entitled to obedience on that account. It is this conception, as the permanently valuable thing in Rousseau, that we have now further to consider.

78. The first remark upon it which suggests itself is that, as Rousseau puts the matter, there may be an independent political society in which there is no sovereign power at all, or in which, at any rate, it is not exercised. The sovereign is the general will. But the general will can only be exercised through the assembly of a whole people. The necessary conditions of its exercise, then, in Rousseau's time, were only fulfilled in the Swiss cantons and (perhaps) in the United Provinces. In England they were fulfilled in a way during the time of a general election. But even where these conditions were fulfilled, it did not follow that the general will was put in force. It might be overpowered, as in the Roman *comitia*, by particular interests. Is it then to be understood that, according to Rousseau, either there can be independent states without any sovereignty in actual exercise, or that the European states of his time, and equally the great states of the present day (for in none of these is there any more exercise of the general will than in the England of his time), are not properly states at all?

79. We may try to answer this question by distinguishing sovereign *de facto* from sovereign *de jure*, and saying that what Rousseau meant was that the general will, as defined by him and as exercised under the conditions which he prescribes, was the only sovereign *de jure*, but that he would have recognised in the ordinary states of his time a sove-

reign *de facto*; and that in the same way, when he describes the institution of government as arising out of a twofold act consequent on the original pact (an act in which the sovereign people first decides that there shall be a government, and then, not as a sovereign people, but as a democratic magistracy, decides in what hands the government shall be placed), he does not conceive himself to be describing what has actually taken place, but what is necessary to give a government a moral title to obedience. Whether Rousseau himself had this distinction in view is not always clear. At the outset he states his object thus: 'Man is born free, and everywhere he is in fetters. How has this change come about? I do not know. What can render it legitimate? That is a question which I deem myself able to answer.' (I, i.) The answer is the account of the establishment of a sovereign by social pact. It might be inferred from this that he considered himself in the sequel to be delineating transactions to the actual occurrence of which he did not commit himself, but which, if they did occur, would constitute a duty as distinct from a physical necessity of submission on the part of subjects to a sovereign, and to which some equivalent must be supposed, in the shape of a tacit present convention on the part of the members of a state, if their submission is to be matter of duty as distinct from physical necessity, or is to be explained as a matter of right by the ostensible sovereign. This, however, would merely be an inference as to his meaning. His actual procedure is to describe transactions, by which the sovereignty of the general will was established, and by which it in turn established a government, as if they had actually taken place. Nor is he content with supposing a tacit consent of the people as rendering subjection legitimate. The people whose submission to law is to be 'legitimate' must actually take part in sovereign legislative assemblies. It is very rarely that he uses language which implies the possibility of a sovereign power otherwise constituted. He does indeed speak[1] of the possibility of a prince (in the

[1] 'If it happened that the prince had a private will more active than that of the sovereign, and that he made use of the public force placed in his hands as the instrument of this private will, there would result, so to speak, two sovereignties, one *de jure*, the other *de facto*; but from that moment the social union would disappear, and the body politic would be dissolved.' (III, i.) 'When the prince ceases to administer the state according to the laws, and

special meaning of the term, as representing the head of the executive) usurping sovereignty, and speaks of the sovereignty thus usurped as existing *de facto*, not *de jure*; but in no other connection (so far as I have observed) does he speak of anything short of the 'volonté générale' exercised through the vote of an assembled people as sovereign at all. And the whole drift of his doctrine is to show that no sovereign, otherwise constituted, had any claim on obedience. There was no state in Europe at his time in which his doctrine would not have justified rebellion, and even under existing representative systems the conditions are not fulfilled which according to him are necessary to give laws the claim on our obedience which arises from their being an expression of the general will. The only system under which these conditions could be fulfilled would be one of federated self-governing communes, small enough to allow each member an active share in the legislation of the commune. It is probably the influence of Rousseau that has made such a system the ideal of political enthusiasts in France.

usurps the sovereign power . . . then the state in the larger sense is dissolved, and there is formed another within it, composed only of the members of the government . . . the social pact is broken . . . and all the ordinary citizens return as a matter of right to their state of natural liberty, and are merely forced, but not obliged, to obey.' (III, x.)

F. *SOVEREIGNTY AND THE GENERAL WILL.*

Rousseau and Austin.

80. The questions then arise (1) whether there is any truth in Rousseau's conception of sovereignty as founded upon a 'volonté générale' in its application to actual sovereignty. Does anything like such a sovereignty exist in the societies properly called political? (2) Is there any truth in speaking of a sovereignty *de jure* founded upon the 'volonté générale'? (3) If there is, are we to hold with Rousseau that this 'will' can only be exercised through the votes of a sovereign people?

81. (1) The first question is one which, if we take our notions of sovereignty from such writers as Austin, we shall be at first disposed decidedly to negative. Austin is considered a master of precise definition. We may begin, therefore, by looking to his definition of sovereignty and the terms connected with it. His general definition of law runs as follows: 'A law, in the most general and comprehensive acceptation in which the term, in its literal meaning, is employed, may be said to be a rule laid down for the guidance of an intelligent being by an intelligent being having power over him.'[1] These rules are of two kinds: (1) laws set by God to men, or the law of nature; and (2) laws set by men to men, or human law. We are only concerned with the latter, the human laws. These are again distinguished into two classes, according as they are or are not established by political superiors. 'Of the laws or rules set by men to men, some are established by *political* superiors, sovereign and subject; by persons exercising supreme and subordinate *government*, in independent nations, or independent political societies' (pp. 88 and 89). 'The aggregate of the rules established by political superiors is frequently styled *positive*

[1] *Lectures on Jurisprudence*, vol. i. p 88 (edit. of 1869, in two vols.)

law, or law existing *by position*' (p. 89). This is distinguished from 'positive morality.' Laws are further explained as a species of commands. A command is a signification of desire, distinguished by the fact that the party to whom it is addressed is liable to evil from the party expressing the desire in case he does not comply with it (p. 91). This liability to evil forms the sanction of the command. Where a command 'obliges *generally* to acts or forbearances of *a class*, it is a law' (p. 95). 'Every positive law, or every law simply and strictly so called, is set by a sovereign person or a sovereign body of persons to a member or members of the independent political society wherein that person or body is sovereign or supreme. Or (changing the expression) it is set by a monarch, or sovereign member, to a person or persons in a state of subjection to its author. Even though it sprung directly from another fountain or source, it *is* a positive law, or a law strictly so called, by the institution of that present sovereign in the character of political superior. Or (borrowing the language of Hobbes) the legislator is he, not by whose authority the law was first made, but by whose authority it continues to be a law' (pp. 225 and 226).

'The notions of sovereignty and independent political society may be expressed concisely thus. If a *determinate* human superior, *not* in a habit of obedience to a like superior, receive *habitual* obedience from the *bulk* of a given society, that determinate superior is sovereign in that society, and the society (including the superior) is a society political and independent' (p. 226).

'In order that a given society may form a society political and independent, the two distinguishing marks which I have mentioned above must unite. The *generality* of the given society must be in a *habit* of obedience to a *determinate* and *common* superior; whilst that determinate person, or determinate body of persons, must *not* be habitually obedient to a determinate person or body. It is the union of that positive with this negative mark which renders that certain superior sovereign or supreme, and which renders that given society (including that certain superior) a society political and independent' (p. 227).

82. It may be remarked in passing that, according to the above, while every law implies a sovereign, from whom directly or indirectly (through a subordinate political supe-

rior) it proceeds, it is not necessary to a sovereign that his commands should take the form of laws, as opposed to 'particular or occasional commands.' A superior might signify his desires only in the form of such particular and occasional commands, and yet there might be a habit of obedience to him, and he might not be habitually obedient to any other person or body; in which case he would be a 'sovereign.'

83. Austin's doctrine seems diametrically opposite to one which finds the sovereign in a 'volonté générale,' because (*a*) it only recognises sovereignty in a *determinate* person or persons, and (*b*) it considers the essence of sovereignty to lie in the power, on the part of such determinate persons, to put compulsion without limit on subjects, to make them do exactly as it pleases.[1] The 'volonté générale,' on the other hand, it would seem, cannot be identified with the will of any determinate person or persons; it can, indeed, according to Rousseau, only be expressed by a vote of the whole body of subject citizens; but when you have got them together, there is no certainty that their vote does express it; and it does not—at any rate necessarily—command any power of compulsion, much less unlimited power. Rousseau expressly

[1] Cf. Maine's statement of Austin's doctrine in *The Early History of Institutions*, pp. 349 and 350: 'There is in every independent political community—that is, in every political community not in the habit of obedience to a superior above itself—some single person or some combination of persons which has the power of compelling the other members of the community to do exactly as it pleases. This single person or group—this individual or this collegiate sovereign (to employ Austin's phrase) may be found in every independent political community as certainly as the centre of gravity in a mass of matter. If the community be violently or voluntarily divided into a number of separate fragments, then, as soon as each fragment has settled down (perhaps after an interval of anarchy) into a state of equilibrium, the sovereign will exist, and with proper care will be discoverable in each of the now independent portions. The sovereignty over the North American colonies of Great Britain had its seat in one place before they became the United States, in another place afterwards; but in both cases there was a discoverable sovereign somewhere. This sovereign, this person or combination of persons, universally occurring in all independent political communities, has in all such communities one characteristic, common to all the shapes sovereignty may take, the possession of irresistible force, not necessarily exerted, but capable of being exerted. According to the terminology preferred by Austin, the sovereign, if a single person, is or should be called a monarch; if a small group, the name is an oligarchy; if a group of considerable dimensions, an aristocracy; if very large and numerous, a democracy. Limited monarchy, a phrase perhaps more fashionable in Austin's day than it is now, is abhorred by Austin, and the government of Great Britain he classes with aristocracies. That which all the forms of sovereignty have in common is the power (the power but not necessarily the will) to put compulsion without limit on subjects or fellow-subjects.'

contemplates the possibility of the executive power conflicting with and overbearing the general will. Indeed, according to his view, it was the ordinary state of things; and though this view may be exaggerated, no one could maintain that the 'general will,' in any intelligible sense of the words, had always unlimited force at its command.

84. The two views thus seem mutually exclusive, but perhaps it may be by taking each as complementary to the other that we shall gain the truest view of sovereignty as it actually exists. In those states of society in which obedience is habitually rendered by the bulk of society to some determinate superior, single or corporate, who, in turn, is independent of any other superior, the obedience is so rendered because this determinate superior is regarded as expressing or embodying what may properly be called the general will, and is virtually conditional upon the fact that the superior is so regarded. It is by no means an unlimited power of compulsion that the superior exercises, but one dependent in the long run, or dependent for the purpose of insuring an *habitual* obedience, upon conformity to certain convictions on the part of the subjects as to what is for their general interest. As Maine says (*Early History of Institutions*, p. 359), 'the vast mass of influences, which we may call for shortness moral, perpetually shapes, limits, or forbids the actual direction of the forces of society by its sovereign.' Thus, quite apart from any belief in the right of revolution, from the view that the people in any state are entitled to an ultimate sovereignty, or are sovereign *de jure*, and may withdraw either legislative or executive power from the hands in which it has been placed in the event of its being misused, it may fairly be held that the ostensible sovereign—the determinate person or persons to whom we can point and say that with him or them lies the ultimate power of exacting habitual obedience from the people—is only able to exercise this power in virtue of an assent on the part of the people, nor is this assent reducible to the fear of the sovereign felt by each individual. It is rather a common desire for certain ends—specially the 'pax vitæque securitas'—to which the observance of law or established usage contributes, and in most cases implies no conscious reference on the part of those whom it influences to any supreme coercive power at all. Thus when it has been ascertained in regard to any

people that there is some determinate person or persons to whom, in the last resort, they pay habitual obedience, we may call this person or persons sovereign if we please, but we must not ascribe to him or them the real power which governs the actions and forbearances of the people, even those actions and forbearances (only a very small part) which are prescribed by the sovereign. This power is a much more complex and less determinate, or less easily determinable, thing; but a sense of possessing common interests, a desire for common objects on the part of the people, is always the condition of its existence. Let this sense or desire—which may properly be called general will—cease to operate, or let it come into general conflict with the sovereign's commands, and the habitual obedience will cease also.

85. If, then, those who adopt the Austinian definition of a sovereign mean no more than that in a thoroughly developed state there must be some determinate person or persons, with whom, in the last resort, lies the recognised power of imposing laws and enforcing their observance, over whom no legal control can be exercised, and that even in the most thorough democracy, where laws are passed in the assembly of the whole people, it is still with determinate persons, viz. a majority of those who meet in the assembly, that this power resides, they are doubtless right. So far they only need to be reminded that the thoroughly developed state, as characterised by the existence of such definite sovereignty, is even among civilised people but imperfectly established. It is perfectly established (1) where customary or 'common' or 'judge-made' law, which does not proceed from any determinate person or persons, is either superseded by express enactments that do proceed from such person or persons, or (as in England) is so frequently trenched upon by statute law that it may fairly be said only to survive upon sufferance, or to be itself virtually enacted by the sovereign legislature; and (2) where no question of right can be raised between local legislatures or authorities and the legislature claiming to be supreme, as in America before the war of secession, and as might perhaps be found to be the case in Germany now, if on certain educational and ecclesiastical matters the imperial legislature came to be at issue with the local legislatures. But though the organisation

of the state, even in civilised and independent nations, is not everywhere complete, it no doubt involves the residence with determinate persons, or a body or bodies, of supreme i.e. legally uncontrolled power to make and enforce laws. The term 'sovereign' having acquired this definite meaning, Rousseau was misleading his readers when he ascribed sovereignty to the general will. He could only be understood as meaning, and in fact understood himself to mean, that there was no legitimate sovereign except in the most thorough democracy, as just described.

86. But the Austinians, having found their sovereign, are apt to regard it as a much more important institution than—if it is to be identified with a determinate person or persons—it really is; they are apt to suppose that the sovereign, with the coercive power (i.e. the power of operating on the fears of the subjects) which it exercises, is the real determinant of the habitual obedience of the people, at any rate of their habitual obedience in respect of those acts and forbearances which are prescribed by law. But, as we have seen, this is not the case. It then needs to be pointed out that if the sovereign power is to be understood in this fuller, less abstract sense, if we mean by it the real determinant of the habitual obedience of the people, we must look for its sources much more widely and deeply than the 'analytical jurists' do; that it can no longer be said to reside in a determinate person or persons, but in that impalpable congeries of the hopes and fears of a people, bound together by common interests and sympathy, which we call the general will.

87. It may be objected that this view of the general will, as that on which habitual obedience to the sovereign really depends, is at best only applicable to 'self-governing' communities, not to those under a despotic sovereign. The answer is that it is applicable in all forms of society where a sovereign in the sense above defined (as a determinate person or persons with whom in the last resort lies the recognised power of imposing laws and enforcing their observance) really exists, but that there are many where there cannot fairly be said to be any such sovereign at all; in other words, that in all organised communities the power which practically commands the habitual obedience of the people in respect of those acts and forbearances which are

enjoined by law or authoritative custom, is one dependent on the general will of the community, but this power is often not sovereign in the sense in which the ruler of an independent state is sovereign. It may very well be that there is at the same time another power merely coercive, a power really operating on people simply through their fears, to which obedience is rendered, and which is not in turn representative of a general will; but where this is the case we shall find that such power is only in contact with the people, so to speak, at one or two points; that their actions and forbearances, as determined by law and custom, are in the main independent of it; that it cannot in any proper sense be said to be a sovereign power over them; at any rate, not in the sense in which we speak of King, Lords, and Commons as sovereign in England.

88. Maine has pointed out (*Early History of Institutions*, Lecture XIII.) that the great despotic empires of ancient times, excluding the Roman, of which more shall be said directly, and modern empires in the East were in the main tax-collecting institutions. They exercise coercive force over their subjects of the most violent kind for certain purposes at certain times, but they do not impose laws as distinct from 'particular and occasional commands,' nor do they judicially administer or enforce a customary law. In a certain sense the subjects render them habitual obedience, i.e. they habitually submit when the agents of the empire descend on them for taxes and recruits, but in the general tenor of their lives their actions and forbearances are regulated by authorities with which the empire never interferes,—with which probably it could not interfere without destroying itself. These authorities can scarcely be said to reside in a determinate person or persons at all, but, so far as they do so, they reside mixedly in priests or exponents of customary religion, in heads of families acting within the family, and in some village-council acting beyond the limits of the family. Whether, in such a state of things, we are to consider that there is a sovereign power at all, and, if so, where it is to be considered to reside, are chiefly questions of words. If complete uncontrolledness by a stronger power is essential to sovereignty, the local authorities just spoken of are not sovereign. The conquering despot could descend on them and sweep them away, leaving anarchy in their place, and he

does compel them to be put in exercise for a particular purpose, that of raising tribute or sometimes recruits. On the other hand, these authorities, which represent a general will of the communities, form the power which determines such actions and forbearances of the individual as do not proceed from natural inclination. The military ruler, indeed, is sovereign in the sense of possessing irresistible coercive power, but in fact this power is only exercised within narrow limits, and not at all in any legislative or judicial way. If exercised beyond these limits and in conflict with customary law, the result would be a general anarchy. The truest way of expressing the state of the case is to say that, taking the term 'sovereign' in the sense which we naturally associate with it, and in which it is used by modern European writers on sovereignty, there is under such conditions no sovereign, but that the practical regulation of life, except during intervals of military violence and anarchy, rests with authorities representing the general will, though these are to a certain extent interfered with by an alien force.

89. The same account is applicable to most cases of foreign dominion over a people with any organised common life of their own. The foreign power is not sovereign in the sense of being a maker or maintainer of laws. Law-making, under such conditions, there is properly none. The subject people inherits laws, written or unwritten, and maintains them for itself, a certain shelter from violence being afforded by the foreign power. Such, in the main, was the condition of North Italy, for instance, under Austrian domination. Where this is the case, the removal of the coercive power of the foreigner need not involve anarchy, or any violation of established rights (such as Hobbes supposes to follow necessarily from the deposition of an actual sovereign). The social order does not depend on the foreign dominion, and may survive it. The question whether in any particular case it actually can do so must depend on the possibility of preventing further foreign aggression, and on the question whether there is enough national unity in the subject people to prevent them from breaking up into hostile communities when the foreign dominion is removed.

90. It is otherwise where the foreign power is really a law-making and law-maintaining one, and is sovereign in

that proper sense, as was the Roman Empire. But just so far as the Roman Empire was of this sovereign, i.e. law-making and law-maintaining, character, it derived its permanence, its hold on the 'habitual obedience' of its subjects, from the support of the general will. As the empire superseded customary or written laws of conquered countries, it conferred rights of Roman citizenship, a much more perfect system of protection in action and acquisition than the conquered people had generally possessed before. Hence, while nothing could be further removed from what Rousseau would have counted liberty than the life of the citizens of the Roman Empire, for they had nothing to do with making the laws which they obeyed, yet probably there was never any political system more firmly grounded on the good-will of the subjects, none in the maintenance of which the subjects felt a stronger interest. The British power in India exercises a middle function between that of the Roman Empire and that of the mere tax-collecting and recruit-raising empire with which the Roman Empire has just been contrasted. It presents itself to the subject people in the first place as a tax-collector. It leaves the customary law of the people mostly untouched. But if only to a very small extent a law-making power, it is emphatically a law-maintaining one. It regulates the whole judicial administration of the country, but applies its power generally only to enforce the customary law which it finds in existence. For this reason an 'habitual obedience' may fairly be said to be rendered by the Indian people to the English government, in a sense in which it could not be said to be rendered to a merely tax-collecting military power; but the 'habitual obedience' is so rendered only because the English government presents itself to the people, not merely as a tax-collector, but as the maintainer of a customary law, which, on the whole, is the expression of the general will. The same is true in principle of those independent states which are despotically governed, in which, i.e., the ultimate legislative power does not reside, wholly or in part, with an assembly representing the people, or with the people themselves; e.g. Russia. It is not the absolute coercive power of the Czar which determines the habitual obedience of the people. This coercive power, if put to the test as a *coercive* power, would probably be found very far from absolute.

The habitual obedience is determined by a system of law, chiefly customary, which the administration controlled by the Czar enforces against individuals, but which corresponds to the general sense of what is equitable and necessary. If a despotic government comes into anything like habitual conflict with the unwritten law which represents the general will, its dissolution is beginning.

91. The answer, then, to the question whether there is any truth in Rousseau's conception of sovereignty as founded upon a 'volonté générale,' in its application to actual sovereignty, must depend on what we mean by 'sovereign.' The essential thing in political society is a power which guarantees men rights, i.e. a certain freedom of action and acquisition conditionally upon their allowing a like freedom in others. It is but stating the same condition otherwise to speak of a power which guarantees the members of the society these rights, this freedom of action and acquisition, impartially or according to a general will or law. What is the lowest form in which a society is fit to be called political, is hard to say. The political society is more complete as the freedom guaranteed is more complete, both in respect of the persons enjoying it and of the range of possible action and acquisition over which it extends. A family or a nomad horde could not be called a political society, on account of the narrow range of the political freedom which they severally guarantee. The nomad horde might indeed be quite as numerous as a Greek state, or as the sovereign canton of Geneva in Rousseau's time; but in the horde the range within which reciprocal freedom of action and acquisition is guaranteed to the individual is exceedingly small. It is the power of guaranteeing rights, defined as above, which the old writers on sovereignty and civil government supposed to be established by covenant of all with all, translating the common interest which men have in the maintenance of such a power into an imaginary historical act by which they instituted it. It was this power that they had chiefly in view when they spoke of sovereignty.

92. It is to be observed, however, that the power may very well exist and serve its purpose where it is not sovereign in the sense of being exempt from any liability of being interfered with by a stronger coercive power, such as that of a tax-collecting military ruler. The occasional interference of

the military ruler is so far a drawback to the efficiency with which freedom of action and acquisition is guaranteed, but does not nullify the general maintenance of rights. On the other hand, when the power by which rights are guaranteed is sovereign (as it is desirable that it should be) in the special sense of being maintained by a person or persons, and wielding coercive force not liable to control by any other human force, it is not this coercive force that is the important thing about it, or that determines the habitual obedience essential to the real maintenance of rights. That which determines this habitual obedience is a power residing in the common will and reason of men, i.e. in the will and reason of men as determined by social relations, as interested in each other, as acting together for common ends. It is a power which this universal rational will exercises over the inclinations of the individual, and which only needs exceptionally to be backed by coercive force.

93. Thus, though it may be misleading to speak of the general will as anywhere either actually or properly sovereign, because the term 'sovereign' is best kept to the ordinary usage in which it signifies a determinate person or persons charged with the supreme coercive function of the state, and the general will does not admit of being vested in a person or persons, yet it is true that the institutions of political society—those by which equal rights are guaranteed to members of such a society—are an expression of, and are maintained by, a general will. The sovereign should be regarded, not in abstraction as the wielder of coercive force, but in connection with the whole complex of institutions of political society. It is as their sustainer, and thus as the agent of the general will, that the sovereign power must be presented to the minds of the people if it is to command habitual loyal obedience; and obedience will scarcely be habitual unless it is loyal, not forced. If once the coercive power, which must always be an incident of sovereignty, becomes the characteristic thing about it in its relation to the people governed, this must indicate one of two things; either that the general interest in the maintenance of equal rights has lost its hold on the people, or that the sovereign no longer adequately fulfils its function of maintaining such rights, and thus has lost the support derived from the general sense of interest in supporting it. It may be

doubted whether the former is ever really the case; but whatever explanation of the case may be the true one, it is certain that when the idea of coercive force is that predominantly associated with the law-imposing and law-enforcing power, then either a disruption of the state or a change in the sources of sovereignty must sooner or later take place. In judging, however, whether this is the case, we must not be misled by words. In England, e.g., from the way in which many people speak of 'government,' we might suppose that it was looked on mainly as the wielder of coercive force; but it would be a mistake on that account to suppose that English people commonly regard the laws of the country as so much coercion, instead of as an institution in the maintenance of which they are interested. When they speak disapprovingly of 'government,' they are not thinking of the general system of law, but of a central administrative agency, which they think interferes mischievously with local and customary administration.

94. It is more true, then, to say that law, as the system of rules by which rights are maintained, is the expression of a general will than that the general will is the sovereign. The sovereign, being a person or persons by whom in the last resort laws are imposed and enforced, in the long run and on the whole is an agent of the general will, contributes to realise that will. Particular laws may, no doubt, be imposed and enforced by the sovereign, which conflict with the general will; not in the sense that if all the subject people could be got together to vote upon them, a majority would vote against them,—that might be or might not be,—but in the sense that they tend to thwart those powers of action, acquisition, and self-development on the part of the members of the society, which there is always a general desire to extend (though the desire may not be enlightened as to the best means to the end), and which it is the business of the law to sustain and extend. The extent to which laws of this kind may be intruded into the general 'corpus juris' without social disruption it is impossible to specify. Probably there has never been a civilised state in which they bore more than a very small proportion to the amount of law which there was the strongest general interest in maintaining. But, so far as they go, they always tend to lessen the 'habitual obedience' of the people, and thus to make the

sovereign cease to be sovereign. The hope must be that this will result in the transfer of sovereignty to other hands before a social disruption ensues; before the general system of law has been so far perverted as to lose its hold on the people. Of the possibility of a change in sovereignty without any detraction from the law-abiding habits of the people, France has lately given a conspicuous example. Here, however, it must be remembered that a temporary foreign conquest made the transition easier.

95. (2) After what has been said, we need not dwell long on the second question raised[1] concerning Rousseau's theory: Is there any truth in speaking of a sovereignty 'de jure' founded upon the 'volonté générale'? It is a distinction which can only be maintained so long as either 'sovereign' is not used in a determinate sense, or by 'jus' is understood something else than law or right established by law. If by 'sovereign' we understand something short of a person or persons holding the supreme law-making and law-enforcing power, e.g. an English king who is often called sovereign, we might say that sovereignty was exercised 'de facto' but not 'de jure' when the power of such a 'sovereign' was in conflict with, or was not sanctioned by, the law as declared and enforced by the really supreme power. Thus an English king, so far as he affected to control the army or raise money without the co-operation of Parliament, might be said to be sovereign 'de facto' but not 'de jure'; only, however, on the supposition that the supreme law-making and law-enforcing power does not belong to him, and thus that he is called 'sovereign' in other than the strict sense. If he were sovereign in the full sense 'de facto,' he could not fail to be so 'de jure,' i.e. legally. In such a state of things, if the antagonism between king and parliament continued for any length of time, it would have to be admitted that there was no sovereign in the sense of a supreme law-making and law-enforcing power; that sovereignty in this sense was in abeyance, and that anarchy prevailed. Or the same thing might be explained by saying that sovereignty still resided 'de jure' with the king and parliament, though not 'de facto' exercised by them; but if we use such language, we must bear in mind that we are qualifying 'sovereignty' by an epithet which neutralises its

[1] [Above, sec. 80.]

meaning as an actually supreme power. If, however, the king succeeded in establishing such a power on a permanent footing, he would have become sovereign in the full sense, and there would be no ground for saying, as before, that he was not sovereign 'de jure'; for the qualifications 'de jure' and 'not de jure,' in that sense in which they might be applied to a power which is not supreme, are equally inapplicable to the power of making and enforcing law which is supreme. The monarch's newly established supremacy may be in conflict with laws that were previously in force, but he has only to abolish those laws in order to render it legal. If, then, it is still to be said to be not 'de jure,' it must be because 'jus' is used for something else than law or right established by law; viz. either for 'natural right' (if we admit that there is such a thing), and 'natural right' as not merely = natural power; or for certain claims which the members of the subject community have come to recognise as inherent in the community and in themselves as members of it, claims regarded as the foundation of law, not as founded upon it, and with which the commands of the sovereign conflict. But even according to this meaning of 'jus,' a sovereign in the strict Austinian sense, that is not so 'de jure,' is in the long run an impossibility. 'Habitual obedience' cannot be secured in the face of such claims.

96. But whether or no in any qualified sense of 'sovereign' or 'jus,' a sovereign that is not so 'de jure' is possible, once understand by 'sovereign' the determinate person or persons with whom the ultimate law-imposing and law-enforcing power resides, and by 'jus' law, it is then obviously a contradiction to speak of a sovereign 'de jure' as distinguished from one 'de facto.' The power of the ultimate imponent of law cannot be derived from, or limited by, law. The sovereign may no doubt by a legislative act of its own lay down rules as to the mode in which its power shall be exercised, but if it is sovereign in the sense supposed, it must always be open to it to alter these rules. There can be no illegality in its doing so. In short, in whatever sense 'jus' is derived from the sovereign, in that sense no sovereign can hold his power 'de jure.' So Spinoza held that 'imperium' was 'de jure' indeed, but 'de jure naturali' ('jus naturale' = natural power), which is the

same as 'de jure divino'; only powers exercised in subordination to 'imperium' are 'de jure civili.' So Hobbes said that there could be no 'unjust law.' A law was not a law unless enacted by a sovereign, and 'the just' being that to which the sovereign obliges, the sovereign could not enact the unjust, though it might enact the inequitable and the pernicious, the 'inequitable' presumably meaning that which conflicts with a law of nature, the 'pernicious' that which tends to weaken individuals or society. Rousseau retains the same notion of the impeccability of the sovereign, but on different grounds. Every act of the sovereign is according to him 'de jure,' not because all right is derived from a supreme coercive power and the sovereign is that power, but because the sovereign is the general will, which is necessarily a will for the good of all. The enactment of the sovereign could as little, on this view, be 'inequitable' or 'pernicious' as it could be 'unjust.' But this view necessitates a distinction between the sovereign, thus conceived, and the actually supreme power of making and enforcing law as it exists anywhere but in what Rousseau considered a perfect state. Rousseau indeed generally avoids calling this actually supreme power 'sovereign,' though he cannot, as we have seen, altogether avoid it; and since, whatever he liked to call it, the existence of such a power in forms which according to him prevented its equivalence to the general will was almost everywhere a fact, his readers would naturally come to think of the actually supreme power as sovereign 'de facto,' in distinction from something else which was sovereign 'de jure.' And further, under the influence of Rousseau's view that the only organ of the general will was an assembly of the whole people, they would naturally regard such an assembly as sovereign 'de jure,' and any other power actually supreme as merely sovereign 'de facto.' This opposition, however, really arises out of a confusion in the usage of the term 'sovereign'; out of inability on the one side to hold fast the identification of sovereign with general will, on the other to keep it simply to the sense of the supreme law-making and law-enforcing power. If 'sovereign' = 'general will,' the distinction of 'de facto' and 'de jure' is inapplicable to it. A certain desire either is or is not the general will. A certain interest is or is not an interest in the

common good. There is no sense in saying that such desire or interest is general will 'de jure' but not 'de facto,' or *vice versa*. On the other hand, if 'sovereign' = the supreme law-making and law-enforcing power, the distinction is equally inapplicable to it. If any person or persons have this power at all, they cannot be said to have it merely 'de facto' while others have it 'de jure.'

97. It may be urged with much truth that the actual possession of such power by a determinate person or persons is rather a convenient hypothesis of writers on jurisprudence than an actual fact; and, as we have seen, the actual condition of things at certain times in certain states may conveniently be expressed by saying that there was a sovereign 'de facto' that was not so 'de jure,' or *vice versa*; but only on the supposition that 'sovereign' is not taken necessarily in the full sense of a supreme law-making and law-enforcing power. In a state of things that can be so described, however, there is no 'sovereignty' at all in the sense of an actually supreme power of making and enforcing law resident in a determinate person or persons. Sovereignty in this sense can only exist 'de facto'; and when it so exists, it is obvious that no other can in the same sense exist 'de jure.' It may be denied indeed in particular cases that an actually supreme power of making and enforcing law is exercised 'de jure,' in a sense of that phrase already explained (see section 95). Reasons were given for doubting whether a power could really maintain its sovereign attributes if conflicting with 'jus,' in the sense thus explained. But supposing that it could, the fact that it was not exercised 'de jure' would not entitle us to say that any other person or persons were sovereign 'de jure,' without altering the meaning of 'sovereign.' If any one has supreme power 'de facto,' that which any one else has cannot be supreme power. The qualification of a power as held not 'de facto' but 'de jure' is one which destroys its character as supreme, i.e. as sovereign in the sense before us.

98. It is only through trying to combine under the term 'sovereign' the notions of the general will and of supreme power that we are led to speak of the people as sovereign 'de jure,' if not 'de facto.' There would be no harm indeed in speaking of the general will as sovereign, if the natural association of 'sovereign' with supreme coercive power

could be got rid of; but as this cannot be, when once we have pronounced the general will 'sovereign,' we are pretty sure to identify the general will with a vote of the majority of citizens. A majority of citizens *can* be conceived as exercising a supreme coercive power, but a general will, in the sense of an unselfish interest in the common good which in various degrees actuates men in their dealings with each other, cannot be so conceived. Thus for the sovereignty, in an impalpable and unnatural sense, of the general will, we get a sovereignty, in the natural and demonstrable sense, of the multitude. But as the multitude is not everywhere supreme, the assertion of its sovereignty has to be put in the form that it is sovereign 'de jure.' The truth which underlies this proposition is that an interest in common good is the ground of political society, in the sense that without it no body of people would recognise any authority as having a claim on their common obedience. It is so far as a government represents to them a common good that the subjects are conscious that they ought to obey it, i.e. that obedience to it is a means to an end desirable in itself or absolutely. This truth is latent in Rousseau's doctrine of the sovereignty of the general will, but he confounds with it the proposition that no government has a claim on obedience, but that which originates in a vote passed by the people themselves who are called on to obey (a vote which must be unanimous in the case of the original compact, and carried by a majority in subsequent cases).

99. This latter doctrine arises out of the delusion of natural right. The individual, it is thought, having a right, not derived from society, to do as he likes, can only forego that right by an act to which he is a party. Therefore he has a right to disregard a law unless it is passed by an assembly of which he has been a member, and by the decision of which he has expressly or tacitly agreed to be bound. Clearly, however, such a natural right of the individual would be violated under most popular sovereignties no less than under one purely monarchical, if he happened to object to the decision of the majority; for to say, as Rousseau says, that he has virtually agreed, by the mere fact of residence in a certain territory, to be bound by the votes of the majority of those occupying that territory, is a mere trick to save appearances. But in truth there is no such natural

right to do as one likes irrespectively of society. It is on the relation to a society, to other men recognising a common good, that the individual's rights depend, as much as the gravity of a body depends on relations to other bodies. A right is a power claimed and recognised as contributory to a common good. A right against society, in distinction from a right to be treated as a member of society, is a contradiction in terms. No one, therefore, has a right to resist a law or ordinance of government, on the ground that it requires him to do what he does not like, and that he has not agreed to submit to the authority from which it proceeds; and if no one person has such a right, no number of persons have it. If the common interest requires it, no right can be alleged against it. Neither can its enactment by popular vote enhance, nor the absence of such vote diminish, its right to be obeyed. Rousseau himself well says that the proper question for each citizen to ask himself in regard to any proposal before the assembly is not, Do I like or approve it? but, Is it according to the general will? which is only another way of asking, Is it according to the general interest? It is only as the organ of this general interest that the popular vote can endow any law with the right to be obeyed; and Rousseau himself, if he could have freed himself from the presuppositions of natural right, might have admitted that, as the popular vote is by no means necessarily an organ of the general interest, so the decree of a monarch or of an aristocratic assembly, under certain conditions, might be such an organ.

100. But it may be asked, Must not the individual judge for himself whether a law is for the common good? and if he decides that it is not, is he not entitled to resist it? Otherwise, not only will laws passed in the interest of individuals or classes, and against the public good, have a claim to our absolute and permanent submission, but a government systematically carried on for the benefit of a few against the many can never be rightfully resisted. To the first part of this question we must of course answer 'yes,' without qualification. The degree to which the individual judges for himself of the relation between the common good and the laws which cross the path of his ordinary life, is the measure of his intelligent, as distinguished from a merely instinctive, recognition of rights in others and in the state;

and on this recognition again depends his practical understanding of the difference between mere powers and rights as recognised by himself. Supposing then the individual to have decided that some command of a 'political superior' is not for the common good, how ought he to act in regard to it? In a country like ours, with a popular government and settled methods of enacting and repealing laws, the answer of common sense is simple and sufficient. He should do all he can by legal methods to get the command cancelled, but till it is cancelled he should conform to it. The common good must suffer more from resistance to a law or to the ordinance of a legal authority, than from the individual's conformity to a particular law or ordinance that is bad, until its repeal can be obtained. It is thus the social duty of the individual to conform, and he can have no right, as we have seen, that is against his social duty; no right to anything or to do anything that is not involved in the ability to do his duty.

101. But difficulties arise when either (1) it is a case of disputed sovereignty, and in consequence the legal authority of the supposed command is doubtful; or (2) when the government is so conducted that there are no legal means of obtaining the repeal of a law; or (3) when the whole system of a law and government is so perverted by private interests hostile to the public that there has ceased to be any common interest in maintaining it; or (4),—a more frequent case,—when the authority from which the objectionable command proceeds is so easily separable from that on which the maintenance of social order and the fabric of settled rights depends, that it can be resisted without serious detriment to this order and fabric. In such cases, may there not be a right of resistance based on a 'higher law' than the command of the ostensible sovereign?

102. (1) As to cases where the legal authority of the supposed command is doubtful. In modern states the definition of sovereignty,—the determination of the person or persons with whom the supreme power of making and enforcing law legally resides,—has only been arrived at by a slow process. The European monarchies have mostly arisen out of the gradual conversion of feudal superiority into sovereignty in the strict sense. Great states, such as Germany and Italy, have been formed by the combination

of independent or semi-dependent states. In England the unity of the state goes back much further than anywhere else, but in England it was but gradually that the residence of sovereignty jointly in king, lords, and commons came to be practically established, and it is still founded merely on a customary law. In the United States, with a written constitution, it required all Austin's subtlety to detect where sovereignty lay, and he places it where probably no ordinary citizen of the United States had ever thought of it as residing, viz. 'in the states' governments as forming one aggregate body: meaning by a state's government, not its ordinary legislature, but the body of citizens which appoints its ordinary legislature, and which, the union apart, is properly sovereign therein.' He bases this view on the provision in the constitution, according to which amendments to it are only valid 'when ratified by the legislature in three-fourths of the several states, or by convention in three-fourths thereof.' (I, p. 268.) But no ordinary citizen of the United States probably ever thought of sovereignty except as residing either in the government of his state or in the federal government consisting of congress and president, or sometimes in one way, sometimes in the other. In other countries, e.g. France, where since Louis XIV the quarter in which sovereignty resides has at any given time been easily assignable, there have since the revolution been such frequent changes in the ostensible sovereign that there might almost at any time have been a case for doubting whether the ostensible sovereign had such command over the habitual obedience of the people as to be a sovereign in that sense in which there is a social duty to obey the sovereign, as the representative of the common interest in social order; whether some prior sovereignty was not really still in force. For these various reasons there have been occasions in the history of all modern states at which men, or bodies of men, without the conscious assertion of any right not founded upon law, might naturally deem themselves entitled to resist an authority which on its part claimed a right—a legally established power—to enforce obedience, and turned out actually to possess the power of doing so.

103. In such cases the truest retrospective account to be given of the matter will often be, that at the time there was

nothing amounting to a right on either side. A right is a power of which the exercise by the individual or by some body of men is recognised by a society, either as itself directly essential to a common good, or as conferred by an authority of which the maintenance is recognised as so essential. But in cases of the kind described the authorities, appealed to on each side as justifying respectively compulsion and resistance, often do not command a sufficiently general recognition of their being necessary to the common good to enable them to confer rights of compulsion or resistance. One or other of them may be coming to do so, or ceasing to do so, but rights, though on the one hand they are eternal or at least coeval with human society, on the other hand take time to form themselves in this or that particular subject and to transfer themselves from one subject to another; (just as one may hold reason to be eternal, and yet hold that it takes time for this or that being to become rational.) Hence in periods of conflict between local or customary and imperial or written law, between the constituent powers of a sovereignty, such as king and parliament in England, of which the relation to each other has not become accurately defined, between a falling and a rising sovereign in a period of revolution, between federal and state authorities in a composite state, the facts are best represented by saying that for a time there may be no right on either side in the conflict, and that it is impossible to determine precisely the stage at which there comes to be such a right on the one side as implies a definite resistance to right on the other. This of course is not to be taken to mean that in such periods rights in general are at an end. It is merely that right is in suspense on the particular point at issue between the conflicting powers. As we have seen, the general fabric of rights in any society does not depend on the existence of a definite and ascertained sovereignty, in the restricted sense of the words; on the determination of a person or persons in whom supreme power resides; but on the control of the conduct of men according to certain regular principles by a society recognising common interests; and though such control may be more or less weakened during periods of conflict of the kind supposed, it never ceases.

104. It does not follow, however, because there may often not be strictly a right on either side in such periods of

conflict, that there is not a good and an evil, a better and a worse, on one side or the other. Of this we can only judge by reference to the end, whatever it be, in which we conceive the good of man to consist. There may be clear ground for saying, in regard to any conflict, that one side rather than the other *ought* to have been taken, not because those on one side were, those on the other were not, entitled to say that they had a right to act as they did, but because the common good of a nation or mankind was clearly promoted by one line of action, not by the other. E.g. in the American war of secession, though it would be difficult to say that a man had not as much a right to fight for his seceding state as for the Union, yet as the special interest of the seceding states was that of maintaining slavery, there was reason for holding that the side of the Union, not that of the seceding states, was the one which ought to be taken. On the other hand, it does not follow that in a struggle for sovereignty the good of man is more served by one of the competing powers than by the other. Good may come out of the conflict without one power contributing more to it than the other. There may thus be as little ground retrospectively for saying that one side or the other ought to have been taken, as that men had a right to take one and not the other. At the same time, as regards the individual, there is no reason for doubting that the better the motive which determines him to take this side or that, the more he is actuated in doing so by some unselfish desire for human good, the more free he is from egotism, and that conceit or opinionatedness which is a form of egotism, the more good he will do whichever side he adopts.

105. It is in such cases as we have been considering that the distinction between sovereign 'de facto' and sovereign 'de jure' arises. It has a natural meaning in the mouths of those who, in resisting some coercive power that claims their obedience, can point to another determinate authority to which they not only consider obedience due, but to which such obedience in some considerable measure is actually rendered; a meaning which it has not when all that can be opposed to sovereign 'de facto' is either a 'general will,' or the mere name of a fallen dynasty exercising no control over men in their dealings with each other. But where this opposition can be used with a natural meaning, it is a truer

account of the matter (as we have seen) to say that sovereignty is in abeyance. The existence of competing powers, each affecting to control men in the same region of outward action, and each having partisans who regard it alone as entitled to exercise such control, implies that there is not that unity of supreme control over the outward actions of men which constitutes sovereignty and which is necessary to the complete organisation of a state. The state has either not reached complete organisation, or is for the time disorganised, the disorganisation being more or less serious according to the degree to which the everyday rights of men (their ordinary freedom of action and acquisition) are interfered with by this want of unity in the supreme control.

106. In such a state of things, the citizen has no rule of 'right' (in the strict sense of the word) to guide him. He is pretty sure to think that one or other of the competing powers has a right to his obedience because, being himself interested (not necessarily selfishly interested) in its support, he does not take account of its lacking that general recognition as a power necessary to the common good which is requisite in order to give it a right. But we looking back may see that there was no such right. Was there then nothing to direct him either way? Simply, I should answer, the general rule of looking to the moral good of mankind, to which a necessary means is the organisation of the state, which again requires unity of supreme control, in the common interest, over the outward actions of men. The citizen ought to have resisted or obeyed either of the competing authorities, according as by doing so he contributed most to the organisation of the state in the sense explained. It must be admitted that without more knowledge and foresight than the individual can be expected to possess, this rule, if he had recognised it, could have afforded him no sure guidance; but this is only to say that there are times of political difficulty in which the line of conduct adopted may have the most important effect, but in which it is very hard to know what is the proper line to take. On the other side must be set the consideration that the man who brings with him the character most free from egotism to the decision even of those questions of conduct, as to which established rules of right and wrong are of no avail, is most sure on the whole to take the line which yields the best results.

107. We come next to the question of the possible duty of resistance in cases where no law, acknowledged or half-acknowledged, written or customary, can be appealed to against a command (general or particular) contrary to the public good; where no counter-sovereignty, in the natural sense of the words, can be alleged against that of the imponent of the law; and where at the same time, from the people having no share, direct or indirect, in the government, there is no means of obtaining a repeal of the law by legal means. I say the 'duty' of resistance because, from the point of view here adopted, there can be no 'right,' unless on the ground that it is for the common good, and if so, there is a duty. In writings of the seventeenth and eighteenth centuries, starting with the assumption of natural rights, the question was never put on its proper footing. It was not asked, When, for the sake of the common good, the citizen ought to resist the sovereign? but, What sort of injury to person or property gave him a natural right to resist? Now there is sense in inquiring upon what sort and amount of provocation from government individuals inevitably will resist; how (in Spinoza's language) that 'indignatio' is excited which leads them 'in unum conspirare'; but there is none in asking what gives them a right to resist, unless we suppose a wrong done to society in their persons; and then it becomes a question not of right merely, but of duty, whether the wrong done is such as to demand resistance. Now when the question is thus put, no one presumably would deny that under certain conditions there might be a duty of resistance to sovereign power.

108. It is important, however, that instead of discussing the right of a majority to resist, we should discuss the duty of resistance as equally possible for a minority and a majority. There can be no right of a majority of citizens, as such, to resist a sovereign. If by law, written or customary, the majority of citizens possess or share in the sovereign power, then any conflict that may arise between it and any power cannot be a conflict between it and the sovereign. The majority may have a right to resist such a power, but it will not be a right to resist a *sovereign*. If, on the other hand, the majority of citizens have no share by law or custom in the supreme law-making and law-enforcing power, they never can have a right, simply as a majority, to resist that power.

In such a case, there may arise a social duty to resist, and the exercise of men's powers in fulfilment of that duty may be sustained by such a general recognition of its being for the public good, as to become a right; but the resistance may be a duty before a majority of the citizens approve it, and does not necessarily become a duty when a majority of them do approve it; while that general recognition of its exercise as being for the common good, through which the power of resistance becomes a right, must be something more habitual and sustained and penetrating than any vote of a majority can convey. Incidentally, however, the consideration of the attitude of the mass of the people in regard to a contemplated resistance to established government must always be most important in determining the question whether the resistance should be made. It should be made, indeed, if at all, not because the majority approve it, but because it is for the public good; but account must be taken of the state of mind of the majority in considering whether it is for the public good or no. The presumption must generally be that resistance to a government is not for the public good when made on grounds which the mass of the people cannot appreciate; and it must be on the presence of a strong and intelligent popular sentiment in favour of resistance that the chance of avoiding anarchy, of replacing the existing government by another effectual for its purpose, must chiefly depend. On the other hand, it is under the worst governments that the public spirit is most crushed; and thus in extreme cases there may be a duty of resistance in the public interest, though there is no hope of the resistance finding efficient popular support. (An instance is the Mazzinian outbreaks in Italy.) Its repeated renewal and repeated failure may afford the only prospect of ultimately arousing the public spirit which is necessary for the maintenance of a government in the public interest. And just as there may thus be a duty of resistance on the part of a hopeless minority, so on the other side resistance even to a monarchic or oligarchic government is not justified by the fact that a majority, perhaps in some temporary fit of irritation or impatience, is ready to support it, if, as may very well be, the objects for which government subsists—the general freedom of action and acquisition and self-development—are likely

to suffer from an overthrow of the government in the popular interest.

109. No precise rule, therefore, can be laid down as to the conditions under which resistance to a despotic government becomes a duty. But the general questions which the good citizen should ask himself in contemplating such resistance will be, (*a*) What prospect is there of resistance to the sovereign power leading to a modification of its character or an improvement in its exercise without its subversion? (*b*) If it is overthrown, is the temper of the people such, are the influences on which the general maintenance of social order and the fabric of recognised rights depend so far separable from it, that its overthrow will not mean anarchy? (*c*) If its overthrow does lead to anarchy, is the whole system of law and government so perverted by private interests hostile to the public, that there has ceased to be any common interest in maintaining it?

110. Such questions are so little likely to be impartially considered at a time when resistance to a despotic government is in contemplation, and, however impartially considered, are so intrinsically difficult to answer, that it may seem absurd to dwell on them. No doubt revolutionists do and must to a great extent 'go it blind.' Such beneficent revolutions as there have been could not have been if they did not. But in most of those questions of right and wrong in conduct, which have to be settled by consideration of the probable effects of the conduct, the estimate of effects which regulates our approval or disapproval upon a retrospective survey, and according to which we say that an act should or should not have been done, is not one which we could expect the agent himself to have made. The effort to make it would have paralysed his power of action.

111. In the simple cases of moral duty, where there is no real doubt as to the effects of this or that action, and danger arises from interested self-sophistication, we can best decide for ourselves whether we ought to act in this way or that by asking whether it is what is good in us—a disinterested or unselfish motive—that moves us to act in this way or that; and in judging of the actions of others, where the issues and circumstances are simple, the moral question, the question of 'ought' or 'ought not,' is often best put in the form, How far was the action such as could

represent a good character? That indeed is the form in which the question should always be put, when the nature of the case admits it; since, as argued elsewhere [*Prol. to Ethics*, II, I and II], it is only in its relation to character that action is in the full sense good or bad. But where the probable effects of a certain line of action are at the time of taking it very obscure, we cannot be sure that relatively the best character will lead a man to take the line which turns out best in the result, or that because a line of action has turned out well in result, the character of the man who adopted it was good. This being so, in judging of the act retrospectively we have to estimate it by the result simply, in abstraction from the character of the agent. Thus in looking back upon a revolutionary outbreak we can only judge whether it was vindicated by the result. If in the light of the result it appears that conditions were not present under which it would have furthered rather than interfered with the true objects of government, we judge that it should not have been made; if otherwise, we approve it,—judge that the persons concerned in it were doing their duty in acting as they did. But whether they were really doing their duty in the full sense of the term in acting as they did in a case when the outbreak was successful, or not doing it in a case where it failed, is what we simply cannot tell; for this depends on the state of character which their action represented, and that is beyond our ken.

112. Such is the necessary imperfection under which all historical judgments labour, though historians are not apt to recognise it and would be thought much more dull if they did. They would have fewer readers if they confined themselves to the analysis of situations, which may be correctly made, and omitted judgments on the morality of individuals for which, in the proper sense, the data can never be forthcoming. We scarcely have them for ourselves (except that we know that we are none of us what we should be), still less for our intimate acquaintance; not at all for men whom we only know through history, past or present. In regard to them, we can only fall back on the generalisation, that the best man—the man most disinterestedly devoted to the perfecting of humanity, in some form or other, in his own person or that of others—is more likely to act in a way that is good as measured by its results, those results again being

estimated with reference to an ideal of character, and that this is so even under circumstances of political complication. Appearances to the contrary, appearances of harm done from good motives, may be met by the considerations, (1) that there is often much egotism in what calls itself conscientiousness, and that the 'conscientious' motives which lead to mischievous acts may not be in the highest sense disinterested; (2) that to what we call the consequences of an action many influences contribute besides the action which we call the cause, and if evil seems to clog the consequences of action pure in motive, this may be due to other influences connected with motives less worthy, while the consequences which in the rough we call bad might have been worse but for the intervention of the purely-motived action; (3) that the beneficent results are often put to the credit of the actions of selfish men when they should rather be credited to influences more remote and complex, without which those actions would have been impossible or had no good effect, and which have arisen out of unselfish activities. We see the evil in a course of events and lay the blame on someone who should have acted differently, and whom perhaps we take as an instance of how good men cause mischief; but we do not see the greater evil which would otherwise have ensued.

In regard to the questions stated above as those which the good citizen should set himself in contemplation of a possible rebellion, though they are questions to which it is impossible for a citizen in the heat of a revolutionary crisis to give a sufficient answer, and which in fact can only be answered after the event, yet they represent objects which the good citizen will set before himself at such times; and in proportion to the amount of good citizenship, as measured by interest in those objects, interest in making the best of existing institutions, in maintaining social order and the general fabric of rights, interest which leads to a *bona fide* estimate of the value of the existing government in its relation to public good, will be the good result of the political movement.

G. *WILL, NOT FORCE, IS THE BASIS OF THE STATE.*

113. Looking back on the political theories which we have discussed, we may see that they all start with putting the question to be dealt with in the same way, and that their errors are very much due to the way in which they put it. They make no inquiry into the development of society and of man through society. They take no account of other forms of community than that regulated by a supreme coercive power, either in the way of investigating their historical origin and connection, or of considering the ideas and states of mind which they imply or which render them possible. They leave out of sight the process by which men have been clothed with rights and duties, and with senses of right and duty, which are neither natural nor derived from a sovereign power. They look only to the supreme coercive power on the one side and to individuals, to whom natural rights are ascribed, on the other, and ask what is the nature and origin of the right of that supreme coercive power as against these natural rights of individuals. The question so put can only be answered by some device for representing the individuals governed as consenting parties to the exercise of government over them. This they no doubt are so long as the government is exercised in a way corresponding to their several wishes; but, so long as this is the case, there is no interference with their 'natural liberty' to do as they like. It is only when this liberty is interfered with, that any occasion arises for an explanation of the compatibility of the sovereign's right with the natural right of the individual; and it is just then that the explanation by the supposition that the right of the sovereign is founded on consent, fails. But the need of the fictitious explanation arises from a wrong way of putting the question; the power which regulates our

conduct in political society is conceived in too abstract a way on the one side, and on the other are set over against it, as the subjects which it controls, individuals invested with all the moral attributes and rights of humanity. But in truth it is only as members of a society, as recognising common interests and objects, that individuals come to have these attributes and rights; and the power, which in a political society they have to obey, is derived from the development and systematisation of those institutions for the regulation of a common life without which they would have no rights at all.

114. To ask why I am to submit to the power of the state, is to ask why I am to allow my life to be regulated by that complex of institutions without which I literally should not have a life to call my own, nor should be able to ask for a justification of what I am called on to do. For that I may have a life which I can call my own, I must not only be conscious of myself and of ends which I present to myself as mine; I must be able to reckon on a certain freedom of action and acquisition for the attainment of those ends, and this can only be secured through common recognition of this freedom on the part of each other by members of a society, as being for a common good. Without this, the very consciousness of having ends of his own and a life which he can direct in a certain way, a life of which he can make something, would remain dormant in a man. It is true that slaves have been found to have this consciousness in high development; but a slave even at his lowest has been partly made what he is by an ancestral life which was not one of slavery pure and simple, a life in which certain elementary rights were secured to the members of a society through their recognition of a common interest. He retains certain spiritual aptitudes from that state of family or tribal freedom. This, perhaps, is all that could be said of most of the slaves on plantations in modern times; but the slavery of the ancient world, being mainly founded on captivity in war, was compatible with a considerable amount of civilisation on the part of the slaves at the time when their slavery began. A Jewish slave, e.g., would carry with him into slavery a thoroughly developed conception of right and law. Slavery, moreover, implies the establishment of some regular system of rights in the slave-owning society. The slave, especially

the domestic slave, has the signs and effects of this system all about him. Hence such elementary consciousness of rights—of powers that are his own to make the best of—as the born slave may inherit from an ancestral life of freedom, finds a stimulus to its inward development, though no opportunity for outward exercise, in the habits and ideas of civilised life with which a common language enables the slave to become conversant, and which, through the sympathy implied in a common language, he to some extent makes his own. Thus the appearance in slaves of the conception that they should be masters of themselves, does not conflict with the proposition that only so far as a certain freedom of action and acquisition is secured to a body of men through their recognition of the exercise of that freedom by each other as being for the common good, is there an actualisation of the individual's consciousness of having life and ends of his own. The exercise, manifestation, expression of this consciousness through a freedom secured in the way described is necessary to its real existence, just as language of some sort is necessary to the real existence of thought, and bodily movement to that of the soul.

115. The demand, again, for a justification of what one is called on by authority to do presupposes some standard of right, recognised as equally valid for and by the person making the demand and others who form a society with him, and such a recognised standard in turn implies institutions for the regulation of men's dealings with each other, institutions of which the relation to the consciousness of right may be compared, as above, to that of language to thought. It cannot be said that the most elementary consciousness of right is prior to them, or they to it. They are the expressions in which it becomes real. As conflicting with the momentary inclinations of the individual, these institutions are a power which he obeys unwillingly; which he has to, or is made to, obey. But it is only through them that the consciousness takes shape and form which expresses itself in the question, 'Why should I thus be constrained? By what right is my natural right to do as I like overborne?'

116. The doctrine that the rights of government are founded on the consent of the governed is a confused way of stating the truth, that the institutions by which man is moralised, by which he comes to do what he sees that he

must, as distinct from what he would like, express a conception of a common good; that through them that conception takes form and reality; and that it is in turn through its presence in the individual that they have a constraining power over him, a power which is not that of mere fear, still less a physical compulsion, but which leads him to do what he is not inclined to because there is a law that he should.

Rousseau, it will be remembered, speaks of the 'social pact' not merely as the foundation of sovereignty or civil government, but as the foundation of morality. Through it man becomes a moral agent; for the slavery to appetite he substitutes the freedom of subjection to a self-imposed law. If he had seen at the same time that rights do not begin till duties begin, and that if there was no morality prior to the pact there could not be rights, he might have been saved from the error which the notion of there being natural rights introduces into his theory. But though he does not seem himself to have been aware of the full bearing of his own conception, the conception itself is essentially true. Setting aside the fictitious representation of an original covenant as having given birth to that common 'ego' or general will, without which no such covenant would have been possible, and of obligations arising out of it, as out of a bargain made between one man and another, it remains true that only through a recognition by certain men of a common interest, and through the expression of that recognition in certain regulations of their dealings with each other, could morality originate, or any meaning be gained for such terms as 'ought' and 'right' and their equivalents.

117. Morality, in the first instance, is the observance of such regulations, and though a higher morality, the morality of the character governed by 'disinterested motives,' i.e. by interest in some form of human perfection, comes to differentiate itself from this primitive morality consisting in the observance of rules established for a common good, yet this outward morality is the presupposition of the higher morality. Morality and political subjection thus have a common source, '*political* subjection' being distinguished from that of a slave, as a subjection which secures rights to the subject. That common source is the rational recognition by certain human beings—it may be merely by children of the same parent—of a common well-being which is their well-being,

and which they conceive as their well-being whether at any moment any one of them is inclined to it or no, and the embodiment of that recognition in rules by which the inclinations of the individuals are restrained, and a corresponding freedom of action for the attainment of well-being on the whole is secured.

118. From this common source morality and political subjection in all its forms always retain two elements in common, one consisting in antagonism to some inclination, the other consisting in the consciousness that the antagonism to inclination is founded on reason or on the conception of some adequate good. It is the antagonism to inclination involved in the moral life, as alone we know it, that makes it proper to speak analogically of moral 'laws' and 'imperatives.' It must be remembered, however, that such language *is* analogical, and that there is an essential difference between laws in the strictest sense (laws which are indeed not adequately described as general commands of a political superior, sanctioned by liability to pains which that superior can inflict, but in which a command so sanctioned is an essential element), and the laws of conscience, of which it is the peculiar dignity that they have no external imponent and no sanction consisting in fear of bodily evil. The relation of constraint, in the one case between the man and the externally imposed law, in the other between some particular desire of the man and his consciousness of something absolutely desirable, we naturally represent in English, when we reflect on it, by the common term 'must.' 'I *must* connect with the main drainage,' says the householder to himself, reflecting on an edict of the Local Board. 'I *must* try to get A.B. to leave off drinking,' he says to himself, reflecting on a troublesome moral duty of benevolence to his neighbour. And if the 'must' in the former case represents in part the knowledge that compulsion may be put on the man who neglects to do what he must, which is no part of its meaning in the second, on the other hand the consciousness that the constraint is for a common good, which wholly constitutes the power over inclination in the second case, must always be an element in that obedience which is properly called obedience to law, or civil or political obedience. Simple fear can never constitute such obedience. To represent it as the basis of civil subjection is to confound

the citizen with the slave, and to represent the motive which is needed for the restraint of those in whom the civil sense is lacking, and for the occasional reinforcements of the law-abiding principle in others, as if it were the normal influence in habits of life of which the essential value lies in their being independent of it. How far in any particular act of conformity to law the fear of penalties may be operative, it is impossible to say. What is certain is, that a habit of subjection founded upon such fear could not be a basis of political or free society; for to this it is necessary, not indeed that everyone subject to the laws should take part in voting them, still less that he should consent to their application to himself, but that it should represent an idea of common good, which each member of the society can make his own so far as he is rational, i.e. capable of the conception of a common good, however much particular passions may lead him to ignore it and thus necessitate the use of force to prevent him from doing that which, so far as influenced by the conception of a common good, he would willingly abstain from.

119. Whether the legislative and administrative agencies of society can be kept in the main free from bias by private interests, and true to the idea of common good, without popular control; whether again, if they can, that 'civil sense,' that appreciation of common good on the part of the subjects, which is as necessary to a free or political society as the direction of law to the maintenance of a common good, can be kept alive without active participation of the people in legislative functions; these are questions of circumstances which perhaps do not admit of unqualified answers. The views of those who looked mainly to the highest development of political life in a single small society, have to be modified if the object sought for is the extension of political life to the largest number of people. The size of modern states renders necessary the substitution of a representative system for one in which the citizens shared directly in legislation, and this so far tends to weaken the active interest of the citizens in the common weal, though the evil may partly be counteracted by giving increased importance to municipal or communal administration. In some states, from the want of homogeneity or facilities of communication, a representative legislature is scarcely possible. In others, where it exists, a

great amount of power, virtually exempt from popular control, has to be left with what Rousseau would have called the 'prince or magistrate.' In all this there is a lowering of civil vitality as compared with that of the ancient, and perhaps of some exceptionally developed modern, commonwealths. But perhaps this is a temporary loss that we have to bear as the price of having recognised the claim to citizenship as the claim of all men. Certainly all political ideals, which require active and direct participation by the citizens in the functions of the sovereign state, fail us as soon as we try to conceive their realisation on the wide area even of civilised mankind. It is easy to conceive a better system than that of the great states of modern Europe, with their national jealousies, rival armies, and hostile tariffs; but the condition of any better state of things would seem to be the recognition of some single constraining power, which would be even more remote from the active co-operation of the individual citizen than is the sovereign power of the great states at present.

120. These considerations may remind us how far removed from any foundation in their own will the requirements of the modern state must seem to be to most of those who have to submit to them. It is true that the necessity which the state lays upon the individual is for the most part one to which he is so accustomed that he no longer kicks against it; but what is it, we may ask, but an external necessity, which he no more lays on himself than he does the weight of the atmosphere or the pressure of summer heat and winter frosts, that compels the ordinary citizen to pay rates and taxes, to serve in the army, to abstain from walking over the squire's fields, snaring his hares, or fishing in preserved streams, to pay rent, to respect those artificial rights of property which only the possessors of them have any obvious interest in maintaining, or even (if he is one of the 'proletariate') to keep his hands off the superfluous wealth of his neighbour, when he has none of his own to lose? Granted that there are good reasons of social expediency for maintaining institutions which thus compel the individual to actions and forbearances that are none of his willing, is it not abusing words to speak of them as founded on a conception of general good? A conception does not float in the air. It must be somebody's conception. Whose

conception, then, of general good is it that these institutions represent? Not that of most of the people who conform to them, for they do so because they are made to, or have come to do so habitually from having been long made to; (i.e. from being frightened at the consequences of not conforming, not consequences which follow from not conforming in the ordinary course of nature, but consequences which the state inflicts, artificial consequences.) But when a man is said to obey an authority from interest in a common good, some other good is meant than that which consists in escaping the punishment which the authority would inflict on disobedience. Is then the conception of common good which is alleged a conception of it on the part of those who founded or who maintain the institutions in question? But is it not certain that private interests have been the main agents in establishing, and are still in maintaining, at any rate all the more artificial rights of property? Have not our modern states, again, in nearly every case been founded on conquest, and are not the actual institutions of government in great measure the direct result of such conquest, or, where revolutions have intervened, of violence which has been as little governed by any conception of general good? Supposing that philosophers can find exquisite reasons for considering the institutions and requirements which have resulted from all this self-seeking and violence to be contributory to the common good of those who have to submit to them, is it not trifling to speak of them as founded on or representing a conception of this good, when no such conception has influenced those who established, maintain, or submit to them? And is it not seriously misleading, when the requirements of the state have so largely arisen out of force directed by selfish motives, and when the motive to obedience to those requirements is determined by fear, to speak of them as having a common source with the morality of which it is admitted that the essence is to be disinterested and spontaneous?

121. If we would meet these objections fairly, certain admissions must be made. The idea of a common good which the state fulfils has never been the sole influence actuating those who have been agents in the historical process by which states have come to be formed; and even so far as it has actuated them, it has been only as conceived in

some very imperfect form that it has done so. This is equally true of those who contribute to the formation and maintenance of states rather as agents, and of those who do so rather as patients. No one could pretend that even the most thoughtful and dispassionate publicist is capable of the idea of the good served by the state to which he belongs, in all its fulness. He apprehends it only in some of its bearings; but it is as a common good that he apprehends it, i.e. not as a good for himself or for this man or that more than another, but for all members equally in virtue of their relation to each other and their common nature. The idea which the ordinary citizen has of the common good served by the state is much more limited in content. Very likely he does not think of it at all in connection with anything that the term 'state' represents to him. But he has a clear understanding of certain interests and rights common to himself with his neighbours, if only such as consist in getting his wages paid at the end of the week, in getting his money's worth at the shop, in the inviolability of his own person and that of his wife. Habitually and instinctively, i.e. without asking the reason why, he regards the claim which in these respects he makes for himself as conditional upon his recognising a like claim in others, and thus as in the proper sense a right,—a claim of which the essence lies in its being common to himself with others. Without this instinctive recognition he is one of the 'dangerous classes,' virtually outlawed by himself. With it, though he have no reverence for the 'state' under that name, no sense of an interest shared with others in maintaining it, he has the needful elementary conception of a common good maintained by law. It is the fault of the state if this conception fails to make him a loyal subject, if not an intelligent patriot. It is a sign that the state is not a true state; that it is not fulfilling its primary function of maintaining law equally in the interest of all, but is being administered in the interest of classes; whence it follows that the obedience which, if not rendered willingly, the state compels the citizen to render, is not one that he feels any spontaneous interest in rendering, because it does not present itself to him as the condition of the maintenance of those rights and interests, common to himself with his neighbours, which he understands.

122. But if the law which regulates private relations and

its administration are so equally applied to all, that all who are capable of a common interest are prompted by that interest to conform to the law, the result is still only the loyal subject as distinct from the intelligent patriot, i.e. as distinct from the man who so appreciates the good which in common with others he derives from the state—from the nation organised in the form of a self-governing community to which he belongs—as to have a passion for serving it, whether in the way of defending it from external attack, or developing it from within. The citizens of the Roman empire were loyal subjects; the admirable maintenance of private rights made them that; but they were not intelligent patriots, and chiefly because they were not, the empire fell. That active interest in the service of the state, which makes patriotism in the better sense, can hardly arise while the individual's relation to the state is that of a passive recipient of protection in the exercise of his rights of person and property. While this is the case, he will give the state no thanks for the protection which he will come to take as a matter of course, and will only be conscious of it when it descends upon him with some unusual demand for service or payment, and then he will be conscious of it in the way of resentment. If he is to have a higher feeling of political duty, he must take part in the work of the state. He must have a share, direct or indirect, by himself acting as a member or by voting for the members of supreme or provincial assemblies, in making and maintaining the laws which he obeys. Only thus will he learn to regard the work of the state as a whole, and to transfer to the whole the interest which otherwise his particular experience would lead him to feel only in that part of its work that goes to the maintenance of his own and his neighbour's rights.

123. Even then his patriotism will hardly be the passion which it needs to be, unless his judgment of what he owes to the state is quickened by a feeling of which the 'patria,' the fatherland, the seat of one's home, is the natural object; and of this feeling the state becomes the object only so far as it is an organisation of a people to whom the individual feels himself bound by ties analogous to those which bind him to his family, ties derived from a common dwelling-place with its associations, from common memories, traditions and customs, and from the common ways of feeling and

thinking which a common language and still more a common literature embodies. Such an organisation of an homogeneous people the modern state in most cases is (the two Austrian states being the most conspicuous exceptions), and such the Roman state emphatically was not.

124. But, it will be said, we are here again falling back on our unproved assumption that the state is an institution for the promotion of a common good. This granted, it is not difficult to make out that in most men at any rate there is a sufficient interest in some form of social well-being, sufficient understanding of the community between their own well-being and that of their neighbours, to make them loyal to such an institution. But the question is, whether the promotion of a common good, at any rate in any sense appreciable by the multitude, is any necessary characteristic of a state. It is admitted that the outward visible sign of a state is the presence of a supreme or independent coercive power, to which habitual obedience is rendered by a certain multitude of people, and that this power may often be exercised in a manner apparently detrimental to the general well-being. It may be the case, as we have tried to show that it is, that a power which is in the main so exercised, and is generally felt to be so, is not likely long to maintain its supremacy; but this does not show that a state cannot exist without the promotion of the common good of its subjects, or that (in any intelligible way) the promotion of such good belongs to the idea of a state. A short-lived state is not therefore not a state, and if it were, it is rather the active interference with the subject's well-being, than a failure to promote it, that is fatal to the long life of a state. How, finally, can the state be said to exist for the sake of an end, or to fulfil an idea, the contemplation of which, it is admitted, has had little to do with the actions which have had most to do with bringing states into existence?

125. The last question is a crucial one, which must be met at the outset. It must be noticed that the ordinary conception of organisation, as we apply it in the interpretation of nature, implies that agents may be instrumental in the attainment of an end or the fulfilment of an idea of which there is no consciousness on the part of the organic agents themselves. If it is true on the one hand that the interpretation of nature by the supposition of ends external

to it, with reference to which its processes are directed, has been discarded, and that its rejection has been the condition of growth in an exact knowledge of nature, on the other hand the recognition of ends immanent in nature, of ideas realised within it, is the basis of a scientific explanation of life. The phænomena of life are not ideal, in the sense in which the ideal is opposed to that which is sensibly verifiable, but they are related to the processes of material change which are their conditions, as ideas or ideal ends which those processes contribute to realise, because, while they determine the processes (while the processes would not be what they are but for relation to them), yet they are *not* those processes, *not* identical with any one or number of them, or all of them together. Life does not reside in any of the organs of life, or in any or all of the processes of material change through which these pass. Analyse or combine these as you will, you do not detect it as the result of the analysis or combination. It is a function or end which they realise according to a plan or idea which determines their existence before they exist and survives their disappearance. If it were held, then, that the state were an organised community in the same sense in which a living body is, of which the members at once contribute to the function called life, and are made what they are by that function, according to an idea of which there is no consciousness on their part, we should only be following the analogy of the established method of interpreting nature.

126. The objection to such a view would be that it represents the state as a purely natural, not at all as a moral, organism. Moral agency is not merely an agency by which an end is attained, or an idea realised, or a function fulfilled, but an agency determined by an idea on the part of the agent, by his conception of an end or function; and the state would be brought into being and sustained by merely natural, as opposed to moral, agency, unless there were a consciousness of ends—and of ends the same in principle with that served by the state itself—on the part of those by whom it is brought into being, and sustained. I say 'ends the same in principle with that served by the state itself,' because, if the state arose out of the action of men determined, indeed, by the consciousness of ends, but ends wholly heterogeneous to that realised by the state, it would not be

a moral institution, would not stand in any moral relation to men. Now among the influences that have operated in the formation of states, a large part, it must be admitted, are simply natural. Such are the influences of climate, of distribution of mountain and plain, land and water, &c., of all physical demarcations and means of communication. But these, it is clear, are only organic to the formation of states so far as, so to speak, they take a character, which does not belong to them as merely natural, from agencies distinctively human.

127. 'Human, if you like,' it may be replied, 'but not moral, if a moral agency implies any reference to a social or human good, to a good which the individual desires because it is good for others, or for mankind, as well as himself. In the earth-hunger of conquering hordes, in the passions of military despots, in the pride or avarice or vindictiveness which moved such men as Louis XI or Henry VIII to override the semi-anarchy of feudalism with a real sovereignty, what is there of reference to such good? Yet if we suppose the influence of such motives as these, together with the natural influences just spoken of, to be erased from the history of the formation of states, its distinguishing features are gone.'

128. The selfish motives described must not, any more than the natural influences, be regarded in abstraction, if we would understand their true place in the formation of states. The pure desire for social good does not indeed operate in human affairs unalloyed by egotistic motives, but on the other hand what we call egotistic motives do not act without direction from an involuntary reference to social good,—'involuntary' in the sense that it is so much a matter of course that the individual does not distinguish it from his ordinary state of mind. The most conspicuous modern instance of a man who was instrumental in working great and in some ways beneficial changes in the political order of Europe, from what we should be apt to call the most purely selfish motives, is Napoleon. Without pretending to analyse these motives precisely, we may say that a leading one was the passion for glory; but if there is to be truth in the statement that this passion governed Napoleon, it must be qualified by the farther statement that the passion was itself governed by social influences, operative on him, from which

it derived its particular direction. With all his egotism, his individuality was so far governed by the action of the national spirit in and upon him, that he could only glorify himself in the greatness of France; and though the national spirit expressed itself in an effort after greatness which was in many ways of a mischievous and delusive kind, yet it again had so much of what may be called the spirit of humanity in it, that it required satisfaction in the belief that it was serving mankind. Hence the aggrandisement of France, in which Napoleon's passion for glory satisfied itself, had to take at least the semblance of a deliverance of oppressed peoples, and in taking the semblance it to a great extent performed the reality; at any rate in western Germany and northern Italy, wherever the Code Napoléon was introduced.

129. It is thus that actions of men, whom in themselves we reckon bad, are 'overruled' for good. There is nothing mysterious or unintelligible in such 'overruling.' There is nothing in the effect which we ascribe to the 'overruling,' any more than in any effect belonging to the ordinary course of nature, which there was not in the cause as it really was and as we should see it to be if we fully understood it. The appearance to the contrary arises from our taking too partial and abstract a view of the cause. We look at the action e.g. of Napoleon with reference merely to the selfishness of his motives. We forget how far his motives, in respect of their concrete reality, in respect of the actual nature of the ends pursued as distinct from the particular relation in which those ends stood to his personality, were made for him by influences with which his selfishness had nothing to do. It was not his selfishness that made France a nation, or presented to him continuously an end consisting in the national aggrandisement of France, or at particular periods such ends as the expulsion of the Austrians from Italy, the establishment of a centralised political order in France on the basis of social equality, the promulgation of the civil code, the maintenance of the French system along the Rhine. His selfishness gave a particular character to his pursuit of these ends, and (so far as it did so) did so for evil. Finally it led him into a train of action altogether mischievous. But at each stage of his career, if we would understand what his particular agency really was, we must

take account of his ends in their full character, as determined by influences with which his passion for glory no doubt co-operated, but which did not originate with it or with him, and in some measure represented the struggle of mankind towards perfection.

130. And not only must we thus correct our too abstract views of the particular agency of such a man as Napoleon. If we would understand the apparent results of his action, we must bear in mind how much besides his particular agency has really gone to produce them, so far as they were good; how much of unnoticed effort on the part of men obscure because unselfish, how much of silent process in the general heart of man. Napoleon was called the 'armed soldier of revolution,' and it was in that character that he rendered what service he did to men; but the revolution was not the making of him or his likes. Cæsar again we have learnt to regard as a benefactor of mankind, but it was not Cæsar that made the Roman law, through which chiefly or solely the Roman empire became a blessing. The idiosyncrasy, then, of the men who have been most conspicuous in the production of great changes in the condition of mankind, though it has been an essential element in their production, has been so only so far as it has been overborne by influences and directed to ends, which were indeed not external to the men in question—which on the contrary helped to make them inwardly and spiritually what they really were—but which formed no part of their distinguishing idiosyncrasy. If that idiosyncrasy was conspicuously selfish, it was still not through their selfishness that such men contributed to mould the institutions by which nations have been civilised and developed, but through their fitness to act as organs of impulses and ideas which had previously gained a hold on some society of men, and for the realisation of which the means and conditions had been preparing quite apart from the action of those who became the most noticeable instruments of their realisation.

131. The assertion, then, that an idea of social good is represented by, or realised in, the formation of states, is not to be met by pointing to the selfishness and bad passions of men who have been instrumental in forming them, if there is reason to think that the influences, under the direction of which these passions became thus instrumental, are due to

the action of such an idea. And when we speak thus we do not refer to any action of the idea otherwise than in the consciousness of men. It may be legitimate, as we have seen, to consider ideas as existing and acting otherwise, and perhaps, on thinking the matter out, we should find ourselves compelled to regard the idea of social good as a communication to the human consciousness, a consciousness developing itself in time, from an eternally complete consciousness. But here we are considering it as a source of the moral action of men, and therefore necessarily as having its seat in their consciousness, and the proposition advanced is that such an idea is a determining element in the consciousness of the most selfish men who have been instrumental in the formation or maintenance of states; that only through its influence in directing and controlling their actions could they be so instrumental; and that, though its active presence in their consciousness is due to the institutions, the organisation of life, under which they are born and bred, the existence of these institutions is in turn due to the action, under other conditions, of the same idea in the minds of men.

132. It is the necessity of a supreme coercive power to the existence of a state that gives plausibility to the view that the action of merely selfish passions may lead to the formation of states. They have been motive causes, it would seem, in the processes by which this 'imperium' has been established; as, e.g., the acquisition of military power by a tribal chieftain, the conquest of one tribe by another, the supersession of the independent prerogatives of families by a tyrant which was the antecedent condition of the formation of states in the ancient world, the supersession of feudal prerogatives by the royal authority which served the same purpose in modern Europe. It is not, however, supreme coercive power, simply as such, but supreme coercive power exercised in a certain way and for certain ends, that makes a state; viz. exercised according to law, written or customary, and for the maintenance of rights. The abstract consideration of sovereignty has led to these qualifications being overlooked. Sovereignty = supreme coercive power, indeed, but such power as exercised in and over a state, which means with the qualifications specified; but the mischief of beginning with an inquiry into sovereignty before the idea of a state has been investigated, is that it leads us to adopt

this abstract notion of sovereignty, as merely supreme coercive power, and then, when we come to think of the state as distinguished by sovereignty, makes us suppose that supreme coercive power is all that is essential to a state, forgetting that it is rather the state that makes the sovereign, than the sovereign that makes the state. Supposing one man had been master of all the slaves in one of the states of the American Union, there would have been a multitude of men under one supreme coercive power, but the slaves and the master would have formed no state, because there would have been no recognised rights of slave against slave enforced by the master, nor would dealings between master and slaves have been regulated by any law. The fact that sovereign power, as implied in the fact of its supremacy, can alter any laws, is apt to make us overlook the necessity of conformity to law on the part of the sovereign, if he is to be the sovereign of a state. A power that altered laws otherwise than according to law, according to a constitution, written or unwritten, would be incompatible with the existence of a state, which is a body of persons, recognised by each other as having rights, and possessing certain institutions for the maintenance of those rights. The office of the sovereign, as an institution of such a society, is to protect those rights from invasion, either from without, from foreign nations, or from within, from members of the society who cease to behave as such. Its supremacy is the society's independence of such attacks from without or within. It is an agency of the society, or the society itself acting for this end. If the power, existing for this end, is used on the whole otherwise than in conformity either with a formal constitution or with customs which virtually serve the purpose of a constitution, it is no longer an institution for the maintenance of rights and ceases to be the agent of a state. We only count Russia a state by a sort of courtesy on the supposition that the power of the Czar, though subject to no constitutional control, is so far exercised in accordance with a recognised tradition of what the public good requires as to be on the whole a sustainer of rights.

It is true that, just as in a state, all law being derived from the sovereign, there is a sense in which the sovereign is not bound by any law, so there is a sense in which all rights are derived from the sovereign, and no power which

the sovereign refuses to allow can be a right; but it is only in the sense that, the sovereign being the state acting in a certain capacity, and the state being an institution for the more complete and harmonious maintenance of the rights of its members, a power, claimed as a right, but which the state or sovereign refuses to allow, cannot be really compatible with the general system of rights. In other words, it is true only on the supposition that a state is made a state by the functions which it fulfils of maintaining the rights of its members as a whole or a system, in such a way that none gains at the expense of another (no one has any power guaranteed to him through another's being deprived of that power). Thus the state, or the sovereign as a characteristic institution of the state, does not create rights, but gives fuller reality to rights already existing. It secures and extends the exercise of powers, which men, influenced in dealing with each other by an idea of common good, had recognised in each other as being capable of direction to that common good, and had already in a certain measure secured to each other in consequence of that recognition. It is not a state unless it does so.

133. It may be said that this is an arbitrary restriction of the term 'state.' If any other word, indeed, can be found to express the same thing, by all means let it be used instead. But some word is wanted for the purpose, because as a matter of fact societies of men, already possessing rights, and whose dealings with each other have been regulated by customs conformable to those rights, but not existing in the form to which the term 'state' has just been applied (i.e. not having a systematic law in which the rights recognised are harmonised, and which is enforced by a power strong enough at once to protect a society against disturbance within and aggression from without), have come to take on that form. A word is needed to express that form of society, both according to the idea of it which has been operative in the minds of the members of the societies which have undergone the change described (an idea only gradually taking shape as the change proceeded), and according to the more explicit and distinct idea of it which we form in reflecting on the process. The word 'state' is the one naturally used for the purpose. The exact degree to which the process must have been carried before the term 'state' can be applied to the

people in which it has gone on, cannot be precisely determined, but as a matter of fact we never apply it except in cases where it has gone some way, and we are justified in speaking of the state according to its idea as the society in which it is completed.

134. It is a mistake then to think of the state as an aggregation of individuals under a sovereign; equally so whether we suppose the individuals as such, or apart from what they derive from society, to possess natural rights, or suppose them to depend on the sovereign for the possession of rights. A state presupposes other forms of community, with the rights that arise out of them, and only exists as sustaining, securing, and completing them. In order to make a state there must have been families of which the members recognised rights in each other (recognised in each other powers capable of direction by reference to a common good); there must further have been intercourse between families, or between tribes that have grown out of families, of which each in the same sense recognised rights in the other. The recognition of a right being very short of its definition, the admission of a right in each other by two parties, whether individuals, families, or tribes, being very different from agreement as to what the right consists in, what it is a right to do or acquire, the rights recognised need definition and reconciliation in a general law. When such a general law has been arrived at, regulating the position of members of a family towards each other and the dealings of families or tribes with each other; when it is voluntarily recognised by a community of families or tribes, and maintained by a power strong enough at once to enforce it within the community and to defend the integrity of the community against attacks from without, then the elementary state has been formed.

135. That, however, is the beginning, not the end, of the state. When once it has come into being, new rights arise in it (1) through the claim for recognition on the part of families and tribes living on the same territory with those which in community form the state, but living at first in some relation of subjection to them. A common humanity, of which language is the expression, necessarily leads to the recognition of some good as common to these families with those which form the state. This is in principle the

recognition of rights on their part; and the consequent embodiment of this recognition in the laws of the state is their admission as members of it. (Instances of this process are found in the states of Greece and the early history of Rome.) (2) The same thing may happen in regard to external communities ('external' territorially), whether these have been already formed into states or no. It may happen through the conquest of one by another, through their submission to a common conqueror, as under the Roman empire, or through voluntary combination, as with the Swiss cantons and the United States of America. However the combination may arise, it results in new rights as between the combined communities within the system of a single state. (3) The extended intercourse between individuals, which the formation of the state renders possible, leads to new complications in their dealings with each other, and with it to new forms of right, especially in regard to property; rights as far removed from any obvious foundation on the *suum cuique* principle as the right of a college to the great tithes of a parish for which it does nothing. (4) The administration of the state gives rise to rights, to the establishment of powers necessary for its administration. (5) New situations of life may arise out of the extended dealings of man with man which the state renders possible (e.g. through the crowding of population in certain localities) which make new modes of protecting the people a matter virtually of right. And, as new rights arise in the state once formed, so further purposes are served. It leads to a development and moralisation of man beyond the stage which they must have reached before it could be possible.

136. On this I shall dwell more in my next course of lectures. What I am now concerned to point out is that, however necessary a factor force may have been in the process by which states have been formed and transformed, it has only been such a factor as co-operating with those ideas without which rights could not exist. I say 'could not *exist*,' not 'could not be recognised,' because rights are made by recognition. There is no right 'but thinking makes it so'; none that is not derived from some idea that men have about each other. Nothing is more real than a right, yet its existence is purely ideal, if by 'ideal' is meant that which is not dependent on anything material but has its

being solely in consciousness. It is to these ideal realities that force is subordinate in the creation and development of states. The force of conquest from without, the force exercised within communities by such agents as the early Greek tyrants or the royal suppressors of feudalism in modern Europe, has only contributed to the formation of states in so far as its effects have taken a character which did not belong to them as effects of force; a character due to their operation in a moral world, in which rights already existed, resting on the recognition by men of each other as determined, or capable of being determined, by the conception of a common good. It is not indeed true that only a state can produce a state, though modern history might seem to favour that notion. As a matter of fact, the formation of modern states through feudalism out of an earlier tribal system has been dependent on ideas derived from the Roman state, if not on institutions actually handed down from it; and the improvement and development of the state-system which has taken place since the French Revolution has been through agencies which all presuppose and are determined by the previous existence of states. But the Greek states, so far as we know, were a first institution of the kind, not a result of propagation from previously existing states. But the action which brought them into being was only effectual for its purpose, because the idea of right, though only in the form of family or tribal right, was already in operation.

II. *HAS THE CITIZEN RIGHTS AGAINST THE STATE?*

137. I PROPOSE to pursue the inquiry, begun in my last course, into the nature and functions of the state. In the last course we were chiefly occupied with criticism. We have seen that no true conception of the rights of individuals against each other or against the state, or of the rights of the state over individuals, can be arrived at, while we look upon the state merely as an aggregation of individuals under a sovereign power that is able to compel their obedience, and consider this power of compelling a general obedience to be the characteristic thing in a state. So long as this view is retained, no satisfactory answer can be given to the question, by what right the sovereign compels the obedience of individuals. It can only be met either by some device for representing the individuals as so consenting to the exercise of sovereign power over them that it is no violation of their individual rights, or by representing the rights of individuals as derived from the sovereign and thus as having no existence against it. But it is obviously very often against the will of individuals that the sovereign power is exercised over them; indeed if it were not so, its characteristic as a power of compulsion would be lost; it would not be a sovereign power; and the fact that the majority of a given multitude may consent to its exercise over an unconsenting minority, is no justification for its exercise over that minority, if its justification is founded on consent; the representation that the minority virtually consent to be bound by the will of the majority being an obvious fiction. On the other hand, the theory that all right is derived from a sovereign, that it is a power of which the sovereign secures the exercise to the individual, and that therefore there can

be no right against the sovereign, conflicts with the primary demands of human consciousness. It implies the identification of 'I ought' with 'I am forced to.' Reducing the 'right' of the sovereign simply to a power, it makes it unintelligible that this power should yet represent itself as a right, and claim obedience to itself as such. No such theory indeed admits of consistent statement. To say (with Hobbes) that a law may be inequitable or pernicious, though it cannot be unjust, is to admit a criticism of laws, a distinction between those enactments of the sovereign which are what they should be and those which are not. And this is to recognise the individual's demand for a justification of the laws which he obeys; to admit in effect that there is some rule of right, of which the individual is conscious, and to which law ought to conform.

138. It is equally impossible, then, to hold that the right of the sovereign power in a state over its members is dependent on their consent, and, on the other hand, that these members have no rights except such as are constituted and conferred upon them by the sovereign. The sovereign, and the state itself as distinguished by the existence of a sovereign power, presupposes rights and is an institution for their maintenance. But these rights do not belong to individuals as they might be in a state of nature, or as they might be if each acted irrespectively of the others. They belong to them as members of a society in which each recognises the other as an originator of action in the same sense in which he is conscious of being so himself (as an 'ego,' as himself the object which determines the action), and thus regards the free exercise of his own powers as dependent upon his allowing an equally free exercise of his powers to every other member of the society. There is no harm in saying that they belong to individuals as such, if we understand what we mean by 'individual,' and if we mean by it a self-determining subject, conscious of itself as one among other such subjects, and of its relation to them as making it what it is; for then there is no opposition between the attachment of rights to the individuals as such and their derivation from society. They attach to the individual, but only as a member of a society of free agents, as recognising himself and recognised by others to be such a member, as doing and done by accordingly. A right, then, to act unsocially,—to act otherwise than as

belonging to a society of which each member keeps the exercise of his powers within the limits necessary to the like exercise by all the other members,—is a contradiction. No one can say that, unless he has consented to such a limitation of his powers, he has a right to resist it. The fact of his not consenting would be an extinction of all right on his part.

139. The state then presupposes rights, and rights of individuals. It is a form which society takes in order to maintain them. But rights have no being except in a society of men recognising each other as ἴσοι καὶ ὅμοιοι. They are constituted by that mutual recognition. In analysing the nature of any right, we may conveniently look at it on two sides, and consider it as on the one hand a claim of the individual, arising out of his rational nature, to the free exercise of some faculty; on the other, as a concession of that claim by society, a power given by it to the individual of putting the claim in force. But we must be on our guard against supposing that these distinguishable sides have any really separate existence. It is only a man's consciousness of having an object in common with others, a well-being which is consciously his in being theirs and theirs in being his,—only the fact that they are recognised by him and he by them as having this object,—that gives him the claim described. There can be no reciprocal claim on the part of a man and an animal each to exercise his powers unimpeded by the other, because there is no consciousness common to them. But a claim founded on such a common consciousness is already a claim conceded; already a claim to which reality is given by social recognition, and thus implicitly a right.

140. It is in this sense that a slave has 'natural rights.' They are 'natural' in the sense of being independent of, and in conflict with, the laws of the state in which he lives, but they are not independent of social relations. They arise out of the fact that there is a consciousness of objects common to the slave with those among whom he lives,—whether other slaves or the family of his owner,—and that this consciousness constitutes at once a claim on the part of each of those who share it to exercise a free activity conditionally upon his allowing a like activity in the others, and a recognition of this claim by the others through which it is realised. The slave

thus derives from his social relations a real right which the law of the state refuses to admit. The law cannot prevent him from acting and being treated, within certain limits, as a member of a society of persons freely seeking a common good. Now that capability of living in a certain limited community with a certain limited number of human beings, which the slave cannot be prevented from exhibiting, is in principle a capability of living in community with any other human beings, supposing the necessary training to be allowed; and as every such capability constitutes a right, we are entitled to say that the slave has a right to citizenship, to a recognised equality of freedom with any and every one with whom he has to do, and that in refusing him not only citizenship but the means of training his capability of citizenship, the state is violating a right founded on that common human consciousness which is evinced both by the language which the slave speaks, and by actual social relations subsisting between him and others. And on the same principle upon which a state is violating natural rights in maintaining slavery, it does the same in using force, except under the necessity of self-defence, against members of another community. Membership of any community is so far, in principle, membership of all communities as to constitute a right to be treated as a freeman by all other men, to be exempt from subjection to force except for prevention of force.

141. A man may thus have rights as a member of a family or of human society in any other form, without being a member of a state at all,—rights which remain rights though any particular state or all states refuse to recognise them; and a member of a state, on the ground of that capability of living as a freeman among freemen which is implied in his being a member of a state, has rights as against all other states and their members. These latter rights are in fact during peace recognised by all civilised states. It is the object of 'private international law' to reduce them to a system. But though it follows from this that the state does not create rights, it may be still true to say that the members of a state derive their rights from the state and have no rights against it. We have already seen that a right against society, as such, is an impossibility; that every

right is derived from some social relation; that a right against any group of associated men depends on association, as ἴσος καὶ ὅμοιος, with them and with some other men. Now for the member of a state to say that his rights are derived from his social relations, and to say that they are derived from his position as member of a state, are the same thing. The state is for him the complex of those social relations out of which rights arise, so far as those rights have come to be regulated and harmonised according to a general law, which is recognised by a certain multitude of persons, and which there is sufficient power to secure against violation from without and from within. The other forms of community which precede and are independent of the formation of the state, do not continue to exist outside it, nor yet are they superseded by it. They are carried on into it. They become its organic members, supporting its life and in turn maintained by it in a new harmony with each other. Thus the citizen's rights, e.g. as a husband or head of a family or a holder of property, though such rights, arising out of other social relations than that of citizen to citizen, existed when as yet there was no state, are yet to the citizen derived from the state, from that more highly developed form of society in which the association of the family and that of possessors who respect each other's possessions are included as in a fuller whole; which secures to the citizen his family rights and his rights as a holder of property, but under conditions and limitations which the membership of the fuller whole—the reconciliation of rights arising out of one sort of social capability with those arising out of another—renders necessary. Nor can the citizen have any right against the state, in the sense of a right to act otherwise than as a member of some society, the state being for its members the society of societies, the society in which all their claims upon each other are mutually adjusted.

142. But what exactly is meant by the citizen's acting 'as a member of his state'? What does the assertion that he can have no right to act otherwise than as a member of his state amount to? Does it mean that he has no right to disobey the law of the state to which he belongs, whatever that law may be? that he is not entitled to exercise his powers in any way that the law forbids and to refuse to exercise them in any way that it commands? This question

was virtually dealt with before [1] in considering the justifiability of resistance to an ostensible sovereign. The only unqualified answer that can be given to it is one that may seem too general to be of much practical use, viz. that so far as the laws anywhere or at any time in force fulfil the idea of a state, there can be no right to disobey them; or, that there can be no right to disobey the law of the state except in the interest of the state; i.e. for the purpose of making the state in respect of its actual laws more completely correspond to what it is in tendency or idea, viz. the reconciler and sustainer of the rights that arise out of the social relations of men. On this principle there can be no right to disobey or evade any particular law on the ground that it interferes with any freedom of action, any right of managing his children or 'doing what he will with his own,' which but for that law the individual would possess. Any power which has been allowed to the individual up to a certain time, he is apt to regard as permanently his right. It has, indeed, been so far his right, if the exercise of that power has been allowed with any reference to social good, but it does not, as he is apt to think, remain his right when a law has been enacted that interferes with it. A man e.g. has been allowed to drive at any pace he likes through the streets, to build houses without any reference to sanitary conditions, to keep his children at home or send them to work 'analphabetic,' to buy or sell alcoholic drinks at his pleasure. If laws are passed interfering with any or all of these powers, he says that his rights are being violated. But he only possessed these powers as rights through membership of a society which secured them to him, and of which the only permanent bond consists in the reference to the well-being of its members as a whole. It has been the social recognition grounded on that reference that has rendered certain of his powers rights. If upon new conditions arising, or upon elements of social good being taken account of which had been overlooked before, or upon persons being taken into the reckoning as capable of participation in the social well-being who had previously been treated merely as means to its attainment,—if in any of these ways or otherwise the reference to social well-being suggest the necessity of some further regulation of the individual's

[1] [Above, sections 100, 101.]

liberty to do as he pleases, he can plead no right against this regulation, for every right that he has possessed has been dependent on that social judgment of its compatibility with general well-being which in respect to the liberties in question is now reversed.

143. 'Is then,' it may be asked, 'the general judgment as to the requirements of social well-being so absolutely authoritative that no individual right can exist against it? What if according to this judgment the institution of slavery is so necessary that citizens are prohibited by law from teaching slaves to read and from harbouring runaways? or if according to it the maintenance of a certain form of worship is so necessary that no other worship can be allowed and no opinion expressed antagonistic to it? Has the individual no rights against enactments founded on such accepted views of social well-being?' We may answer: A right against society as such, a right to act without reference to the needs or good of society, is an impossibility, since every right depends on some social relation, and a right against any group of associated men depends upon association on some footing of equality with them or with some other men. We saw how the right of the slave really rested on this basis, on a social capacity shown in the footing on which he actually lives with other men. On this principle it would follow, if we regard the state as the sustainer and harmoniser of social relations, that the individual can have no right against the state; that its law must be to him of absolute authority. But in fact, as actual states at best fulfil but partially their ideal function, we cannot apply this rule to practice. The general principle that the citizen must never act otherwise than as a citizen, does not carry with it an obligation under all conditions to conform to the law of his state, since those laws may be inconsistent with the true end of the state as the sustainer and harmoniser of social relations. The assertion, however, by the citizen of any right which the state does not recognise must be founded on a reference to an acknowledged social good. The fact that the individual would like to exercise the power claimed as a right does not render the exercise of it a right, nor does the fact that he has been hitherto allowed to exercise it render it a right, if social requirements have arisen under changed conditions, or have newly come to be recognised, with

which its exercise is incompatible. The reason that the assertion of an illegal right must be founded on reference to acknowledged social good is that, as we have seen, no exercise of a power, however abstractedly desirable for the promotion of human good it might be, can be claimed as a right unless there is some common consciousness of utility shared by the person making the claim and those on whom it is made. It is not a question whether or no it ought to be claimed as a right; it simply cannot be claimed except on this condition. It would have been impossible, e.g., in an ancient state, where the symbol of social union was some local worship, for a monotheistic reformer to claim a right to attempt the subversion of that worship. If a duty to do so had suggested itself, consciousness of the duty could never have expressed itself in the form of a claim of right, in the absence of any possible sense of a public interest in the religious revolution to which the claim could be addressed. Thus, just as it is not the exercise of every power, properly claimable as a right, that is a right in the full or explicit sense of being legally established, so it is not every power, of which the exercise would be desirable in an ideal state of things, that is properly claimable as a right. The condition of its being so claimable is that its exercise should be contributory to some social good which the public conscience is capable of appreciating, not necessarily one which in the existing prevalence of private interests can obtain due acknowledgment, but still one of which men in their actions and language show themselves to be aware.

144. Thus to the question, Has the individual no rights against enactments founded on imperfect views of social well-being? we may answer, He has no rights against them founded on any right to do as he likes. Whatever counter-rights he has must be founded on a relation to the social well-being, and that a relation of which his fellow-citizens are aware. He must be able to point to some public interest, generally recognised as such, which is involved in the exercise of the power claimed by him as a right; to show that it is not the general well-being, even as conceived by his fellow-citizens, but some special interest of a class that is concerned in preventing the exercise of the power claimed. In regard to the right of teaching or harbouring the slave, he must appeal to the actual capacity of the slave for community with other men as evinced in the manner described

above, to the recognition of this capacity as shown by the actual behaviour of the citizens in many respects towards the slave, to the addition to social well-being that results from the realisation of this capacity in all who possess it through rights being legally guaranteed to them. In this way he must show that the reference to social well-being, on which is founded the recognition of powers as rights, if fairly and thoroughly carried out, leads to the exercise of powers in favour of the slave, in the manner described, not to the prohibition of that exercise as the supposed law prohibits it. The response which in doing so he elicits from the conscience of fellow-citizens shows that in talking of the slave as 'a man and a brother,' he is exercising what is implicitly his right, though it is a right which has not become explicit through legal enactments. This response supplies the factor of social recognition which, as we have seen, is necessary in order to render the exercise of any power a right. To have an implicit right, however, to exercise a power which the law disallows is not the same thing as having a right to exercise that right. The right may be claimed without the power being actually exercised so long as the law prohibits its exercise. The question, therefore, would arise whether the citizen was doing his duty as such—acting as a member of the state—if he not merely did what he could for the repeal of the law prohibiting the instruction of a slave or the assistance of runaways, but himself in defiance of the law instructed and assisted them. As a general rule, no doubt, even bad laws, laws representing the interests of classes or individuals as opposed to those of the community, should be obeyed. There can be no right to disobey them, even while their repeal is urged on the ground that they violate rights, because the public interest, on which all rights are founded, is more concerned in the general obedience to law than in the exercise of those powers by individuals or classes which the objectionable laws unfairly withhold. The maintenance of a duty prohibiting the import of certain articles in the interest of certain manufacturers would be no justification for smuggling these articles. The smuggler acts for his private gain, as does the man who buys of him; and no violation of the law for the private gain of the violator, however unfair the law violated, can justify itself by reference to a recognised

public good, or consequently be vindicated as a right. On the other hand, there may be cases in which the public interest—not merely according to some remote philosopher's view of it, but according to conceptions which the people are able to assimilate—is best served by a violation of some actual law. It is so in regard to slavery when the public conscience has come to recognise a capacity for right (for exercising powers under the control of a reference to general well-being) in a body of men to whom legal rights have hitherto been refused, but when some powerful class in its own interest resists the alteration of the law. In such a case the violation of the law on behalf of the slave is not only not a violation in the interest of the violator; the general sense of right on which the general observance of law depends being represented by it, there is no danger of its making a breach in the law-abiding habits of the people.

145. 'But this,' it will be said, 'is to assume a condition of things in which the real difficulty of the question disappears. What is to be done when no recognition of the implicit rights of the slave can be elicited from the public conscience; when the legal prohibitions described are supported by the only conceptions of general good of which the body of citizens is capable? Has the citizen still a right to disregard these legal prohibitions? Is the assertion of such a right compatible with the doctrine that social recognition of any mode of action as contributory to the common good is necessary to constitute a right so to act, and that no member of a state can have a right to act otherwise than according to that position?' The question, be it observed, is not as to the right of the slave, but as to the right of the citizen to treat the slave as having rights in a state of which the law forbids his being so treated. The claim of the slave to be free, his right implicit to have rights explicit, i.e. to membership of a society of which each member is treated by the rest as entitled to seek his own good in his own way, on the supposition that he so seeks it as not to interfere with the like freedom of quest on the part of others, rests, as we have seen, on the fact that the slave is determined by conceptions of a good common to himself with others, as shown by the actual social relations in which he lives. No state-law can neutralise this right. The state may refuse him

family rights and rights of property, but it cannot help his living as a member of a family, acting and being treated as a father, husband, son, or brother, and therefore cannot extinguish the rights which are necessarily involved in his so acting and being so treated. Nor can it prevent him from appropriating things and from associating with others on the understanding that they respect each other's appropriations, and thus possessing and exercising rights of property. He has thus rights which the state neither gives nor can take away, and they amount to or constitute a right to freedom in the sense explained. The state, under which the slave is a slave, refusing to recognise this right, he is not limited in its exercise by membership of the state. He has a right to assert his right to such membership in any way compatible with that susceptibility to the claims of human fellowship on which the right rests. Other men have claims upon him, conditioning his rights, but the state, as such, which refuses to recognise his rights, has no claim on him. The obligation to observe the law, because it is the law, does not exist for him.

146. It is otherwise with the citizen. The slave has a claim upon him to be treated in a certain way, the claim which is properly described as that of a common humanity. But the state which forbids him so to treat the slave has also a claim upon him, a claim which embodies many of the claims that arise out of a common humanity in a form that reconciles them with each other. Now it may be argued that the claim of the state is only absolutely paramount on the supposition that in its commands and prohibitions it takes account of all the claims that arise out of human fellowship; that its authority over the individual is in principle the authority of those claims, taken as a whole; that if, as in the case supposed, its ordinances conflict with those claims as possessed by a certain class of persons, their authority, which is essentially a conditional or derived authority, disappears; that a disregard of them in the interest of the claims which they disregard is really conformity to the requirements of the state according to its true end or idea, since it interferes with none of the claims or interests which the state has its value in maintaining or protecting, but, on the contrary, forces on the attention of members of the state claims which they hitherto disregarded; and that if the conscience of the

citizens is so far mastered by the special private interests which the institution of slavery breeds that it cannot be brought to recognise action on the slave's behalf as contributory to a common good, yet there is no ground under such conditions for considering a man's fellow-citizens to be the sole organs of the recognition which is needed to render his power of action a right; that the needful recognition is at any rate forthcoming from the slave, and from all those acquainted with the action in whom the idea of a good common to each man with others operates freely.

147. This may be truly urged, but it does not therefore follow that the duty of befriending the slave is necessarily paramount to the duty of obeying the law which forbids his being befriended: and if it is possible for the latter duty to be paramount, it will follow, on the principle that there is no right to violate a duty, that under certain conditions the right of helping the slave may be cancelled by the duty of obeying the prohibitory law. It would be so if the violation of law in the interest of the slave were liable to result in general anarchy, not merely in the sense of the dissolution of this or that form of civil combination, but of the disappearance of the conditions under which any civil combination is possible; for such a destruction of the state would mean a general loss of freedom, a general substitution of force for mutual good-will in men's dealings with each other, that would outweigh the evil of any slavery under such limitations and regulations as an organised state imposes on it.

I. *PRIVATE RIGHTS.*

THE RIGHT TO LIFE AND LIBERTY.

148. RETURNING from this digression, we resume our consideration of the nature and functions of the state. In order to understand this nature, we must understand the nature of those rights which do not come into being with the state, but arise out of social relations that may exist where a state is not; it being the first though not the only office of the state to maintain those rights. They depend for their existence, indeed, on society, a society of men who recognise each other as *ἴσοι καὶ ὅμοιοι*, as capable of a common well-being, but not on society's having assumed the form of a state. They may therefore be treated as claims of the individual without reference to the form of the society which concedes or recognises them, and on whose recognition, as we have seen, their nature as rights depends. Only it must be borne in mind that the form in which these claims are admitted and acted on by men in their dealings with each other varies with the form of society; that the actual form, e.g., in which the individual's right of property is admitted under a patriarchal *régime* is very different from that in which it is admitted in a state; and that though the principle of each right is throughout the same, it is a principle which only comes to be fully recognised and acted on when the state has not only been formed, but fully developed according to its idea.

149. The rights which may be treated as independent of the state in the sense explained are of course those which are commonly distinguished as *private*, in opposition to *public* rights. 'If rights be analysed, they will be found to consist of several kinds. For, first, they are such as regard a man's own person; secondly, such as regard his dominion

over the external and sensible things by which he is surrounded; thirdly, such as regard his private relations as a member of a family; fourthly, such as regard his social state or condition as a member of the community: the first of which classes may be designated as *personal rights*; the second, as *rights of property*; the third, as *rights in private relations*; and the fourth, as *public rights*.' (Stephen, *Comm.*, I, p. 136.)

150. An objection might fairly be made to distinguishing one class of rights as 'personal,' on the ground that all rights are so; not merely in the legal sense of 'person,' according to which the proposition is a truism, since every right implies a person as its subject, but in the moral sense, since all rights depend on that capacity in the individual for being determined by a conception of well-being, as an object at once for himself and for others, which constitutes personality in the moral sense. By personal rights in the above classification are meant rights of life and liberty, i.e. of preserving one's body from the violence of other men, and of using it as an instrument only of one's own will; if of another's, still only through one's own. The reason why these come to be spoken of as 'personal' is probably the same with the reason why we talk of a man's 'person' in the sense simply of his body. They may, however, be reckoned in a special sense personal even by those who consider all rights personal, because the person's possession of a body and its exclusive determination by his own will is the condition of his exercising any other rights,—indeed, of all manifestation of personality. Prevent a man from possessing property (in the ordinary sense), and his personality may still remain. Prevent him (if it were possible) from using his body to express a will, and the will itself could not become a reality; he would not be really a person.

151. If there are such things as rights at all, then, there must be a right to life and liberty, or, to put it more properly, to free life. No distinction can be made between the right to life and the right to liberty, for there can be no right to mere life, no right to life on the part of a being that has not also the right to use the life according to the motions of its own will. What is the foundation of this right? The answer is, capacity on the part of the subject for membership of a society, for determination of the will, and through it of

the bodily organisation, by the conception of a well-being as common to self with others. This capacity is the foundation of the right, or the right potentially, which becomes actual through the recognition of the capacity by a society, and through the power which the society in consequence secures to the individual of acting according to the capacity. In principle, or intrinsically, or in respect of that which it has it in itself to become, the right is one that belongs to every man in virtue of his human nature (of the qualities that render him capable of any fellowship with any other men), and is a right as between him and any other men; because, as we have seen, the qualities which enable him to act as a member of any one society having the general well-being of its members for its object (as distinct from any special object requiring special talent for its accomplishment) form a capacity for membership of any other such society; but actually, or as recognised, it only gradually becomes a right of a man, as man, and against all men.

152. At first it is only a right of the man as a member of some one particular society, and a right as between him and the other members of that society, the society being naturally a family or tribe. Then, as several such societies come to recognise, in some limited way, a common well-being, and thus to associate on settled terms, it comes to be a right not merely between the members of any one of the societies, but between members of the several families or tribes in their dealings with each other, not, however, as men, but only as belonging to this or that particular family. This is the state of things in which, if one man is damaged or killed, compensation is made according to the terms of some customary law by the family or tribe of the offender to that of the man damaged or killed, the compensation varying according to the rank of the family. Upon this system, generally through some fusion of family demarcations and privileges, whether through pressure upward of a population hitherto inferior, or through a levelling effected by some external power, there supervenes one in which the relation between citizen and citizen, as such, is substituted for that between family and family as such. This substitution is one of the essential processes in the formation of the state. It is compatible, however, with the closest limitation of the privileges of citizenship, and implies no acknowledgment in

man as man of the right to free life ascribed to the citizen as citizen. In the ancient world the companion of citizenship is everywhere slavery, and it was only actual citizenship, not any such capacity for becoming a citizen as might naturally be held to be implied in civil birth, that was considered to give a right to live; for the exposure of children was everywhere practised[1] (and with the approval of the philosophers), a practice in strong contrast with the principle of modern law that even a child in the womb has a right to live.

153. The influences commonly pointed out as instrumental in bringing about the recognition of rights in the man, as independent of particular citizenship, are these: (1) The adjudication by Roman prætors of questions at issue between citizens and those who were not so, which led to the formation of the system of 'equity,' independent of the old civil law and tending gradually to be substituted for it. The existence of such a system, however, presupposes the recognition of rights so far independent of citizenship in a particular state as to obtain between citizens of different states. (2) The doctrine of a 'law of nature,' applicable to dealings of all men, popularised by the Stoics. (3) The Christian conception of the universal redemption of a brotherhood, of which all could become members through a mental act within the power of all.

154. The admission of a right to free life on the part of every man, as man, does in fact logically imply the conception of all men as forming one society in which each individual has some service to render, one organism in which each has a function to fulfil. There can be no claim on society such as constitutes a right, except in respect of a capacity freely (i.e. under determination by conception of the good) to contribute to its good. If the claim is made on behalf of any and every human being, it must be a claim on human society as a whole, and there must be a possible

[1] Tacitus speaks of it as a peculiarity of the Jews and Germans that they did not allow the killing of younger children (*Hist.*, *V*, 5; *Germ.* 19). Aristotle (Pol. 1335, b, 19) enjoins that *μηδὲν πεπηρωμένον* shall be brought up, but seems to condemn exposure, preferring that the required limit of population should be preserved by destruction of the embryo, on the principle that *τὸ ὅσιον καὶ τὸ μὴ διωρισμένον τῇ αἰσθήσει καὶ τῷ ζῆν ἔσται*. Plato's rule is the same as regards the defective children and the procuring abortion, but he leaves it in the dark whether he meant any healthy children, actually born, to be put out of the way (*Rep.* 460 C. and 461 C.).

common good of human society as a whole, conceivable as independent of the special conditions of particular societies, to render such a claim possible. We often find, however, that men assimilate a practical idea in respect of one of its implications without doing so in respect of the rest. Thus the idea of the individual's right to free life has been strongly laid hold of in Christendom in what may be called an abstract or negative way, but little notice has been taken of what it involves. Slavery is everywhere condemned. It is established that no one has a right to prevent the individual from determining the conditions of his own life. We treat life as sacred even in the human embryo, and even in hopeless idiots and lunatics recognise a right to live, a recognition which can only be rationally explained on either or both of two grounds: (1) that we do not consider either their lives, or the society which a man may freely serve, to be limited to this earth, and thus ascribe to them a right to live on the strength of a social capacity which under other conditions may become what it is not here; or (2) that the distinction between curable and incurable, between complete and incomplete, social incapacity is so indefinite that we cannot in any case safely assume it to be such as to extinguish the right to live. Or perhaps it may be argued that even in cases where the incapacity is ascertainably incurable, the patient has still a social function (as undoubtedly those who are incurably ill in other ways have), a passive function as the object of affectionate ministrations arising out of family instincts and memories; and that the right to have life protected corresponds to this passive social function. The fact, however, that we have almost to cast about in certain cases for an explanation of the established belief in the sacredness of human life, shows how deeply rooted that belief is unless where some counter-belief interferes with it.

155. On the other hand, it is equally noticeable that there are counter-beliefs which, under conditions, do neutralise it, and that certain other beliefs, which form its proper complement, have very slight hold on the mind of modern Christendom. It is taken for granted that the exigencies of the state in war, whether the war be necessary or not for saving the state from dissolution, absolutely neutralise the right to live. We are little influenced by the idea of the

universal brotherhood of men, of mankind as forming one society with a common good, of which the conception may determine the action of its members. In international dealings we are apt to suppose that it can have no place at all. Yet, as has been pointed out, it is the proper correlative of the admission of a right to free life as belonging to man in virtue simply of his human nature. And though this right can only be grounded on the capacity, which belongs to the human nature, for freely fulfilling some function in the social organism, we do very little to give reality to the capacity or to enable it to realise itself. We content ourselves with enacting that no man shall be used by other men as a means against his will, but we leave it to be pretty much a matter of chance whether or no he shall be qualified to fulfil any social function, to contribute anything to the common good, and to do so freely (i.e. under the conception of a common good). The only reason why a man should not be used by other men simply as a means to their ends, is that he should use himself as a means to an end which is really his and theirs at once. But while we say that he shall not be used as a means, we often leave him without the chance of using himself for any social end at all.

156. Four questions then arise: (1) With what right do the necessities of war override the individual's right of life? (2) In what relation do the rights of states to act for their own interest stand to that right of human society, as such, of which the existence is implied in the possession of right by the individual as a member of that society, irrespectively of the laws of particular states? (3) On what principle is it to be assumed that the individual by a certain conduct of his own forfeits the right of free life, so that the state (at any rate for a time) is entitled to subject him to force, to treat him as an animal or a thing? Is this forfeiture ever so absolute and final that the state is justified in taking away his life? (4) What is the nature and extent of the individual's claim to be enabled to realise that capacity for contributing to a social good, which is the foundation of his right to free life?

K. *THE RIGHT OF THE STATE OVER THE INDIVIDUAL IN WAR.*

157. (1) It may be admitted that to describe war as 'multitudinous murder' is a figure of speech. The essence of murder does not lie in the fact that one man takes away the life of another, but that he does this to 'gain his private ends' and with 'malice' against the person killed. I am not here speaking of the legal definition of murder, but of murder as a term of moral reprobation, in which sense it must be used by those who speak of war as 'multitudinous murder.' They cannot mean murder in the legal sense, because in that sense only 'unlawful killing,' which killing in war is not, is murder. When I speak of 'malice,' therefore, I am not using 'malice' in the legal sense. In that sense 'malice' is understood to be the attribute of every 'wrongful act done intentionally without just or lawful excuse,'[1] and is ascribed to acts (such as killing an officer of justice, knowing him to be such, while resisting him in a riot) in which there is no ill-will of the kind which we suppose in murder, when we apply the term in its natural sense as one of moral disapprobation. Of murder in the moral sense the characteristics are those stated, and these are not present in the case of a soldier who kills one on the other side in battle. He has no ill-will to that particular person or to any particular person. He incurs an equal risk with the person whom he kills, and incurs that risk not for the sake of killing him. His object in undergoing it is not private to himself, but a service (or what he supposes to be a service) to his country, a good which is his own no doubt (that is implied in his desiring it), but which he presents to himself as common to him with others. Indeed, those who might speak of war as 'multitudinous murder' would not look upon

[1] Markby, *Elements of Law*, sec. 226.

the soldier as a murderer. If reminded that there cannot be a murder without a murderer, and pressed to say who, when a bloody battle takes place, the murderer or murderers are, they would probably point to the authors of the war. It may be questioned, by the way, whether there has ever been a war of which the origination could be truly said to rest with a definite person or persons, in the same way in which the origination of an act which would be called murder in the ordinary sense rests with a particular person. No doubt there have been wars for which certain assignable individuals were specially blameable, wars which they specially helped to bring about or had special means of preventing (and the more the wickedness of such persons is kept in mind the better); but even in these cases the cause of the war can scarcely be held to be gathered up within the will of any individual, or the combined will of certain individuals, in the same way as is the cause of murder or other punishable acts. When A.B. is murdered, the sole cause lies in some definite volition of C.D. or others, however that volition may have been caused. But when a war 'breaks out,' though it is not to be considered, as we are too apt to consider it, a natural calamity which could not be prevented, it would be hard to maintain that the sole cause lies in some definite volition on the part of some assignable person or persons, even of those who are most to blame. Passing over this point, however, if the acts of killing in war are not murders (in the *moral* sense, the *legal* being out of the question) because they lack those characteristics on the part of the agent's state of mind which are necessary to constitute a murder, the persons who cause those acts to be committed, if such persons can be pointed out, are not the authors of murder, multitudinous or other. They would only be so if the characteristic of 'malice,' which is absent on the part of the immediate agent of the act, were present on their part as its ultimate agents. But this is not the case. However selfish their motives, they cannot fairly be construed into ill-will towards the persons who happened to be killed in the war; and therefore, whatever wickedness the persons responsible for the war are guilty of, they are not guilty of 'murder' in any natural sense of the term, nor is there any murder in the case at all.

158. It does not follow from this, however, that war is

ever other than a great wrong, as a violation on a multitudinous scale of the individual's right to life. Whether it is so or not must be discussed on other grounds. If there is such a thing as a right to life on the part of the individual man as such, is there any reason to doubt that this right is violated in the case of every man killed in war? It is not to the purpose to allege that in order to a violation of right there must be not only a suffering of some kind on the part of the subject of a right, but an intentional act causing it on the part of a human agent. There is of course no violation of right when a man is killed by a wild beast or a stroke of lightning, because there is no right as between a man and a beast or between a man and a natural force. But the deaths in a battle are caused distinctly by human agency and intentional agency. The individual soldier may not have any very distinct intention when he fires his rifle except to obey orders, but the commanders of the army and the statesmen who send it into the field intend the death of as many men as may be necessary for their purpose. It is true they do not intend the death of this or that particular person, but no more did the Irishman who fired into a body of police guarding the Fenian prisoners. It might fairly be held that this circumstance exempted the Irishman from the special moral guilt of murder, though according to our law it did not exempt him from the legal guilt expressed by that term; but no one would argue that it made the act other than a violation of the right to life on the part of the policeman killed. No more can the absence of an intention to kill this or that specific person on the part of those who cause men to be killed in battle save their act from being a violation of the right to life.

159. Is there then any condition on the part of the persons killed that saves the act from having this character? It may be urged that when the war is conducted according to usages that obtain between civilised nations, (not when it is a village-burning war like that between the English and Afghans), the persons killed are voluntary combatants, and *οὐδεὶς ἀδικεῖται ἑκών*. Soldiers, it may be said, are in the position of men who voluntarily undertake a dangerous employment. If some of them are killed, this is not more a violation of the human right to life than is the death of men who have engaged to work in a dangerous coal-pit. To this it must be

answered that if soldiers did in fact voluntarily incur the special risk of death incidental to their calling, it would not follow that the right to life was not violated in their being killed. It is not a right which it rests with a man to retain or give up at his pleasure. It is not the less a wrong that a man should be a slave because he has sold himself into slavery. The individual's right to live is but the other side of the right which society has in his living. The individual can no more voluntarily rid himself of it than he can of the social capacity, the human nature, on which it is founded. Thus, however ready men may be for high wages to work in a dangerous pit, a wrong is held to be done if they are killed in it. If provisions which might have made it safe have been neglected, someone is held responsible. If nothing could make it safe, the working of the pit would not be allowed. The reason for not more generally applying the power of the state to prevent voluntary noxious employments, is not that there is no wrong in the death of the individual through the incidents of an employment which he has voluntarily undertaken, but that the wrong is more effectually prevented by training and trusting individuals to protect themselves than by the state protecting them. Thus the waste of life in war would not be the less a wrong,—not the less a violation of the right, which subsists between all members of society, and which none can alienate, that each should have his life respected by society,—if it were the fact that those whose lives are wasted voluntarily incurred the risk of losing them. But it can scarcely be held to be the fact. Not only is it impossible, even when war is conducted on the most civilised methods, to prevent great incidental loss of life (to say nothing of other injury) among non-combatants; the waste of the life of the combatants is one which the power of the state compels. This is equally true whether the army is raised by voluntary enlistment or by conscription. It is obviously so in the case of conscription; but under a system of voluntary enlistment, though the individual soldier cannot say that he in particular has been compelled by the government to risk his life, it is still the case that the state compels the risk of a certain number of lives. It decrees that an army of such a size shall be raised, though if it can get the men by voluntary hiring it does not exercise compulsion on the men of a particular age, and it sends the

army into the field. Its compulsive agency causes the death of the soldiers killed, not any voluntary action on the part of the soldiers themselves. The action of the soldiers no doubt contributes to the result, for if they all refused to fight there would be no killing, but it is an action put in motion and directed by the power of the state, which is compulsive in the sense that it operates on the individual in the last resort through fear of death.

160. We have then in war a destruction of human life inflicted on the sufferers intentionally by voluntary human agency. It is true, as we saw, that it is not easy to say in any case by whose agency in particular. We may say indeed that it is by the agency of the state, but what exactly does that mean? The state here must=the sovereign power in the state; but it is always difficult to say by whom that power is wielded, and if we could in any case specify its present holders, the further question will arise whether their course of action has not been shaped for them by previous holders of power. But however widely distributed the agency may be which causes the destruction of life in war, it is still intentional human agency. The destruction is not the work of accident or of nature. If then it is to be other than a wrong, because a violation of the right to mutual protection of life involved in the membership of human society, it can only be because there is exercised in war some right that is paramount to this. It may be argued that this is the case; that there is no right to the preservation of life at the cost of losing the necessary conditions of 'living well'; that war is in some cases the only means of maintaining these conditions, and that where this is so, the wrong of causing the destruction of physical life disappears in the paramount right of preserving the conditions under which alone moral life is possible.

161. This argument, however, seems to be only available for shifting the quarter in which we might be at first disposed to lay the blame of the wrong involved in war, not for changing the character of that wrong. It goes to show that the wrong involved in the death of certain soldiers does not necessarily lie with the government which sends those soldiers into the field, because this may be the only means by which the government can prevent more serious wrong; it does not show that there is no wrong in their death. If

the integrity of any state can only be maintained at the cost of war, and if that state is more than what many so-called states have been,—more than an aggregation of individuals or communities under one ruling power,—if it so far fulfils the idea of a state, that its maintenance is necessary to the free development of the people belonging to it; then by the authorities or people of that state no wrong is done by the destruction of life which war involves, except so far as they are responsible for the state of things which renders the maintenance of the integrity of the state impossible by other means. But how does it come about that the integrity of such a state is endangered? Not by accident or by the forces of nature, but by intentional human agency in some form or other, however complicated; and with that agency lies the wrong-doing. To determine it (as we might be able to do if a horde of barbarians broke in on a civilised state, compelling it to resort to war for its defence) is a matter of small importance: what *is* important to bear in mind (being one of those obvious truths out of which we may allow ourselves to be sophisticated), is that the destruction of life in war is always wrong-doing, whoever be the wrong-doer, and that in the wars most strictly defensive of political freedom the wrong-doing is only removed from the defenders of political freedom to be transferred elsewhere. If it is difficult in any case to say precisely where, that is only a reason for more general self-reproach, for a more humbling sense (as the preachers would say) of complicity in that radical (but conquerable, because moral) evil of mankind which renders such a means of maintaining political freedom necessary. The language, indeed, which we hear from the pulpit about war being a punishment for the sins of mankind, is perfectly true, but it needs to be accompanied by the reminder that this punishment of sin is simply a consequence of the sin and itself a further sin, brought about by the action of the sinner, not an external infliction brought about by agencies to which man is not a party.

162. In fact, however, if most wars had been wars for the maintenance or acquisition of political freedom, the difficulty of fixing the blame of them, or at any rate of freeing one of the parties in each case from blame, would be much less than it really is. Of the European wars of the last four

hundred years, how many could be fairly said to have been wars in which either or any of the parties were fighting for this end? Perhaps the wars in which the Dutch Republics defended themselves against Spain and against Louis XIV, and that in which Germany shook off the dominion of Napoleon. Perhaps the more recent struggles of Italy and Hungary against the Austrian Government. Perhaps in the first outset of the war of 1792 the French may be fairly held to have been defending institutions necessary for the development of social freedom and equality. In this war, however, the issue very soon ceased to be one between the defenders of such institutions on the one side, and their assailants on the other, and in most modern wars the issue has not been of this kind at all. The wars have arisen primarily out of the rival ambition of kings and dynasties for territorial aggrandisement, with national antipathies and ecclesiastical ambitions, and the passions arising out of religious partisanship, as complicating influences. As nations have come more and more to distinguish and solidify themselves, and a national consciousness has come definitely to be formed in each, the rival ambitions of nations have tended more and more first to support, then perhaps to supersede, the ambitions of dynasties as causes of war. The delusion has been practically dominant that the gain of one nation must mean the loss of another. Hence national jealousies in regard to colonial extension, hostile tariffs and the effort of each nation to exclude others from its markets. The explosion of this idea in the region of political economy has had little effect in weakening its hold on men's minds. The people of one nation still hear with jealousy of another nation's advance in commerce, as if it meant some decay of their own. And if the commercial jealousy of nations is very slow in disappearing, their vanity, their desire apart from trade each to become or to seem stronger than the other, has very much increased. A hundred and fifty years ago national vanity could scarcely be said to be an influence in politics. The people under one ruler were not homogeneous enough, had not enough of a corporate consciousness, to develope a national vanity. Now (under the name of patriotism) it has become a more serious disturber of peace than dynastic ambition. Where the latter is dangerous, it is because it has national vanity to work upon.

163. Our conclusion then is that the destruction of life in war (to say nothing of other evils incidental to it with which we are not here concerned) is always wrong-doing, with whomsoever the guilt of the wrong-doing may lie; that only those parties to a war are exempt from a share in the guilt who can truly plead that to them war is the only means of maintaining the social conditions of the moral development of man, and that there have been very few cases in which this plea could be truly made. In saying this it is not forgotten, either that many virtues are called into exercise by war, or that wars have been a means by which the movement of mankind, which there is reason for considering a progress to higher good, has been carried on. These facts do not make the wrong-doing involved in war any less so. If nothing is to be accounted wrong-doing through which final good is wrought, we must give up either the idea of there being such a thing as wrong-doing, or the idea of there being such a thing as final good. If final good results from the world of our experience, it results from processes in which wrong-doing is an inseparable element. Wrong-doing is voluntary action, either (in the deeper moral sense) proceeding from a will uninfluenced by the desire to be good on the part of the agent (which may be taken to include action tending to produce such action), or (in the sense contemplated by the 'jus naturæ') it is action that interferes with the conditions necessary to the free-play and development of a good-will on the part of others. It may be that, according to the divine scheme of the world, such wrong-doing is an element in a process by which men gradually approximate more nearly to good (in the sense of a good will). We cannot think of God as a moral being without supposing this to be the case. But this makes no difference to wrong-doing in those relations in which it *is* wrong-doing, and with which alone we are concerned, viz. in relation to the will of human agents and to the results which those agents can foresee and intend to produce. If an action, so far as any results go which the agent can have in view or over which he has control, interferes with conditions necessary to the free-play and development of a good-will on the part of others, it is not the less wrong-doing because, through some agency which is not his, the effects which he intended, and which rendered it wrong-doing, come to contribute to an

ulterior good. Nor, if it issues from bad will (in the sense explained), is it less wrong (in the moral sense) because this will is itself, in the view of some higher being, contributory to a moral good which is not, in whole or part, within the view of the agent. If then war is wrong-doing in both the above senses (as it is always, at any rate on the part of those with whom the ultimate responsibility for it lies), it does not cease to be so on account of any good resulting from it in a scheme of providence.

164. 'But,' it may be asked, 'are we justified in saying that it is always wrong-doing on the part of those with whom the ultimate responsibility lies? It is admitted that certain virtues may be evoked by war; that it may have results contributory to the moral progress of mankind; may not the eliciting of these virtues, the production of these results, be contemplated by the originators of war, and does not the origination of war, so far as influenced by such motives, cease to be wrong-doing? It must be admitted that Cæsar's wars in Gaul were unprovoked wars of conquest, but their effect was the establishment of Roman civilisation with its equal law over a great part of western Europe, in such a way that it was never wholly swept away, and that a permanent influence in the progress of the European polity can be traced to it. May he not be credited with having had, however indefinitely, such an effect as this in view? Even if his wish to extend Roman civilisation was secondary to a plan for raising an army by which he might master the Republic, is he to have no credit for the beneficent results which are admitted to have ensued from the success of that plan? May not a similar justification be urged for English wars in India? If, again, the establishment of the civil unity of Germany and the liberation of Christian populations in Turkey are admitted to have been gains to mankind, is not that a justification of the persons concerned in the origination of the wars that brought about those results, so far as they can be supposed to have been influenced by a desire for them?'

165. These objections might be to the purpose if we were attempting the task (generally, if not always, an impossible one) of determining the moral desert, good or ill, of those who have been concerned in bringing this or that war about. Their tendency merely is to distribute the blame of the

wrong-doing involved in war, to show how widely ramified is the agency in that wrong-doing, not to affect its character as wrong-doing. If the only way of civilising Gaul was to kill all the people whom Cæsar's wars caused to be killed, and if the desire for civilising it was a prevailing motive in Cæsar's mind, so much the better for Cæsar, but so much the worse for the other unassignable and innumerable human agents who brought it about that such an object could only be attained in such a way. We are not, indeed, entitled to say that it could have been brought about in any other way. It is true to say (if we know what we are about in saying it) that nothing which happens in the world could have happened otherwise than it has. The question for us is, whether that condition of things which rendered e.g. Cæsar's Gallic wars, with the violation of human rights which they involved, the interference in the case of innumerable persons with the conditions under which man can be helpful to man (physical life being the first of these), the *sine qua non* in the promotion of ulterior human welfare, was or was not the work of human agency. If it was (and there is no doubt that it was, for to what merely natural agency could the necessity be ascribed?), then in that ordinary sense of the word 'could' in which it expresses our responsibility for our actions, men *could* have brought about the good result without the evil means. They could have done so if they had been better. It was owing to human wickedness—if less on Cæsar's part, then so much the more on the part of innumerable others—that the wrong-doing of those wars was the appropriate means to this ulterior good. So in regard to the other cases instanced. It is idle to speculate on other means by which the permanent pacification of India, or the unification of Germany, or the liberation of Christians in European Turkey might have been brought about; but it is important to bear in mind that the innumerable wrong acts involved in achieving them—acts wrong, because violations of the rights of those directly affected by them—did not cease to be wrong acts because under the given condition of things the results specified would not have been obtained without them. This given condition of things was not like that (e.g.) which compels the castaways from a shipwreck, so many days from shore, and with only so much provision in their boat, to draw lots

which shall be thrown overboard. It was a condition of things which human wickedness, through traceable and untraceable channels, brought about. If the individual promoters of wars, which through the medium of multitudinous wrong-doing have yielded good to mankind, have been really influenced by a desire for any such good,—and much scepticism is justified in regard to such a supposition,—then so much less of the guilt of the wrong-doing has been theirs. No nation, at any rate, that has taken part in such wars can fairly take credit for having been governed by such a motive. It has been either a passive instrument in the hands of its rulers, or has been animated by less worthy motives, very mixed, but of which perhaps a diffused desire for excitement has been the most innocent. On what reasonable ground can Englishmen or Germans or Russians claim that their several nations took part in the wars by which India was pacified, Germany unified, Bulgaria liberated, under the dominant influence of a desire for human good? Rather, if the action of a national conscience in such matters is possible at all, they should take shame for their share in that general human selfishness which rendered certain conditions of human development only attainable by such means.

166. (2) Reverting then to the questions which arose[1] out of the assertion of a right to free life on the part of the individual man as such, it appears that the first must be answered in the negative. No state of war can make the destruction of man's life by man other than a wrong, though the wrong is not always chargeable upon all the parties to a war. The second question is virtually answered by what has been said about the first. In regard to the state according to its idea the question could not arise, for according to its idea the state is an institution in which all rights are harmoniously maintained, in which all the capacities that give rise to rights have free-play given to them. No action in its own interest of a state that fulfilled this idea could conflict with any true interest or right of general society, of the men not subject to its law taken as a whole. There is no such thing as an inevitable conflict between states. There is nothing in the nature of the state that, given a multiplicity of states, should make the gain of the one the loss of the other. The more perfectly each one of them attains its

[1] [Above, sec. 156.]

proper object of giving free scope to the capacities of all persons living on a certain range of territory, the easier it is for others to do so; and in proportion as they all do so the danger of conflict disappears.

167. On the other hand, the imperfect realisation of civil equality in the full sense of the term in certain states, is in greater or less degree a source of danger to all. The presence in states either of a prerogatived class or of a body of people who, whether by open denial of civil rights or by restrictive laws, are thwarted in the free development of their capacities, or of an ecclesiastical organisation which disputes the authority of the state on matters of right and thus prevents the perfect civil fusion of its members with other citizens, always breeds an imagination of there being some competition of interests between states. The privileged class involuntarily believes and spreads the belief that the interest of the state lies in some extension without, not in an improvement of organisation within. A suffering class attracts sympathy from without and invites interference with the state which contains it; and that state responds, not by healing the sore, but by defending against aggression what it conceives to be its special interests, but which are only special on account of its bad organisation. Or perhaps the suffering population overflows into another state, as the Irish into America, and there becomes a source not only of internal difficulty but of hostile feeling between it and the state where the suffering population still survives. People, again, who, in matters which the state treats as belonging to itself, take their direction from an ecclesiastical power external to the state under which they live, are necessarily in certain relations alien to that state, and may at any time prove a source of apparently conflicting interests between it and some other state, which under the influence of the hostile ecclesiastical power espouses their cause. Remove from European states, as they are and have been during the last hundred years, the occasions of conflict, the sources of apparently competing interests, which arise in one or other of the ways mentioned, —either from the mistaken view of state-interests which a privileged class inevitably takes, or from the presence in them of oppressed populations, or from what we improperly call the antagonism of religious confessions,—and there would not be or have been anything to disturb the peace

between them. And this is to say that the source of war between states lies in their incomplete fulfilment of their function; in the fact that there is some defect in the maintenance or reconciliation of rights among their subjects.

168. This is equally true in regard to those causes of conflict which are loosely called 'religious.' These do not arise out of any differences between the convictions of different people in regard to the nature of God or their relations to Him, or the right way of worshipping Him. They arise either out of some aggression upon the religious freedom of certain people, made or allowed by the powers of the state, which thus puts these people in the position of an alien or unenfranchised class, or else out of an aggression on the rights of the state by some corporation calling itself spiritual but really claiming sovereignty over men's actions in the same relations in which the state claims to determine them. There would be nothing tending to international disturbance in the fact that bodies of people who worship God in the Catholic manner live in a state where the majority worship in the Greek or Protestant manner, and alongside of another state where the majority is Catholic, but for one or other or both of these circumstances, viz. that the Catholic worship and teaching is interfered with by the Protestant or Greek state, and that Catholics are liable to a direction by a power which claims to regulate men's transactions with each other by a law of its own, and which may see fit (e.g.) to prohibit the Catholic subjects in the Greek or Protestant state from being married, or having their parents buried, or their children taught the necessary arts, in the manner which the state directs. This reciprocal invasion of right, the invasion of the rights of the state by the church on the one side, and on the other the restriction placed by the sovereign upon the subject's freedom, not of conscience, (for that is impossible), but of expressing his conscience in word and act, has sometimes caused a state of things in which certain of the subjects of a state have been better affected to another state than to their own, and in such a case there is an element of natural hostility between the states. An obvious instance to give of this relation between states would have been that between Russia and Turkey, if Turkey could be considered to have been constituted as a state at all. Perhaps a better instance would be the position

of Ireland in the past; its disaffection to England and gravitation, first to France, then to the United States, caused chiefly by Protestant penal laws which in turn were at least provoked by the aggressive attitude of the church towards the English state. Whenever a like invasion of rights still takes place, e.g. in the treatment of the Catholic subjects of Russia in Poland, in the ultramontane movement of resistance to certain requirements of the state among the Catholic subjects of Germany, it tends to international conflict. And what is now a somewhat remote tendency has in the past been a formidable stimulant to war.

169. It is nothing then in the necessary organisation of the state, but rather some defect of that organisation in relation to its proper function of maintaining and reconciling rights, of giving scope to capacities, that leads to a conflict of apparent interests between one state and another. The wrong, therefore, which results to human society from conflicts between states cannot be condoned on the ground that it is a necessary incident of the existence of states. The wrong cannot be held to be lost in a higher right, which attaches to the maintenance of the state as the institution through which alone the freedom of man is realised. It is not the state, as such, but this or that particular state, which by no means fulfils its purpose, and might perhaps be swept away and superseded by another with advantage to the ends for which the true state exists, that needs to defend its interests by action injurious to those outside it. Hence there is no ground for holding that a state is justified in doing whatever its interests seem to require, irrespectively of effects on other men. If those effects are bad, as involving either a direct violation of personal rights or obstruction to the moral development of society anywhere in the world, then there is no ultimate justification for the political action that gives rise to them. The question can only be (as we have seen generally in regard to the wrong-doing of war), where in particular the blame lies. Whether there is any justification for a particular state, which in defence of its interests inflicts an injury on some portion of mankind; whether, e.g., the Germans are justified in holding Metz, on the supposition that their tenure of such a thoroughly French town necessarily thwarts in many ways the healthy activity of the

inhabitants, or the English in carrying fire and sword into Afghanistan for the sake of acquiring a scientific frontier; this must depend (1) on the nature of the interests thus defended, (2) on the impossibility of otherwise defending them, (3) on the question how they came to be endangered. If they are interests of which the maintenance is essential to those ends as a means to which the state has its value, if the state which defends them has not itself been a joint-cause of their being endangered, and if they cannot be defended except at the cost of injury to some portion of mankind, then the state which defends them is clear of the guilt of that injury. But the guilt is removed from it only to be somewhere else, however wide its distribution may be. It may be doubted, however, whether the second question could ever be answered altogether in favour of a state which finds it necessary to protect its interests at the cost of inflicting an injury on mankind.

170. It will be said, perhaps, that these formal arguments in proof of the wrong-doing involved in war, and of the unjustifiability of the policy which nations constantly adopt in defence of their apparent interests, carry very little conviction; that a state is not an abstract complex of institutions for the maintenance of rights, but a nation, a people, possessing such institutions; that the nation has its passions which inevitably lead it to judge all questions of international right from its own point of view, and to consider its apparent national interests as justifying anything; that if it were otherwise, if the cosmopolitan point of view could be adopted by nations, patriotism would be at an end; that whether this be desirable or no, such an extinction of national passions is impossible; that while they continue, wars are as inevitable between nations as they would be between individuals, if individuals were living in what philosophers have imagined to be the state of nature, without recognition of a common superior; that nations in short are in the position of men judging their own causes, which it is admitted that no one can do impartially; and that this state of things cannot be altered without the establishment of a common constraining power, which would mean the extinction of the life of independent states,—a result as undesirable as it is unattainable. Projects of perpetual peace, to be logical, must be projects of all-embracing empire.

171. There is some cogency in language of this kind. It is true that when we speak of a state as a living agency, we mean, not an institution or complex of institutions, but a nation organised in a certain way; and that members of the nation in their corporate or associated action are animated by certain passions, arising out of their association, which, though not egoistic relatively to the individual subjects of them (for they are motives to self-sacrifice), may, in their influence on the dealings of one nation with another, have an effect analogous to that which egoistic passions, properly so called, have upon the dealings of individuals with each other. On the other hand, it must be remembered that the national passion, which in any good sense is simply the public spirit of the good citizen, may take, and every day is taking, directions which lead to no collision between one nation and another; (or, to say the same thing negatively, that it is utterly false to speak as if the desire for one's own nation to show more military strength than others were the only or the right form of patriotism); and that though a nation, with national feeling of its own, must everywhere underlie a state, properly so called, yet still, just so far as the perfect organisation of rights within each nation, which entitles it to be called a state, is attained, the occasions of conflict between nations disappear; and again, that by the same process, just so far as it is satisfactorily carried out, an organ of expression and action is established for each nation in dealing with other nations, which is not really liable to be influenced by the same egoistic passions in dealing with the government of another nation as embroil individuals with each other. The love of mankind, no doubt, needs to be particularised in order to have any power over life and action. Just as there can be no true friendship except towards this or that individual, so there can be no true public spirit which is not localised in some way. The man whose desire to serve his kind is not centred primarily in some home, radiating from it to a commune, a municipality, and a nation, presumably has no effectual desire to serve his kind at all. But there is no reason why this localised or nationalised philanthropy should take the form of a jealousy of other nations or a desire to fight them, personally or by proxy. Those in whom it is strongest are every day expressing it in good works which benefit

their fellow-citizens without interfering with the men of other nations. Those who from time to time talk of the need of a great war to bring unselfish impulses into play, give us reason to suspect that they are too selfish themselves to recognise the unselfish activity that is going on all round them. Till all the methods have been exhausted by which nature can be brought into the service of man, till society is so organised that everyone's capacities have free scope for their development, there is no need to resort to war for a field in which patriotism may display itself.

172. In fact, just so far as states are thoroughly formed, the diversion of patriotism into the military channel tends to come to an end. It is a survival from a condition of things in which, as yet, the state, in the full sense, was not; in the sense, namely, that in each territory controlled by a single independent government, the rights of all persons, as founded on their capacities for contributing to a common good, are equally established by one system of law. If each separately governed territory were inhabited by a people so organised within itself, there would be nothing to lead to the association of the public spirit of the good citizen with military aggressiveness,—an association which belongs properly not to the *πολιτεία*, but to the *δυναστεία*. The Greek states, however complete might be the equality of their citizens among themselves, were all *δυναστείαι* in relation to some subject populations, and, as such, jealous of each other. The Peloponnesian war was eminently a war of rival *δυναστείαι*. And those habits and institutions and modes of feeling in Europe of the present day, which tend to international conflict, are either survivals from the *δυναστείαι* of the past, or arise out of the very incomplete manner in which, as yet, over most of Europe the *πολιτεία* has superseded the *δυναστεία*. Patriotism, in that special military sense in which it is distinguished from public spirit, is not the temper of the citizen dealing with fellow-citizens, or with men who are themselves citizens of their several states, but that of the follower of the feudal chief, or of the member of a privileged class conscious of a power, resting ultimately on force, over an inferior population, or of a nation holding empire over other nations.

173. Standing armies, again, though existing on a larger

scale now than ever before, are not products of the civilisation of Europe, but of the predominance over that civilisation of the old δυναστείαι. The influences which have given rise to and keep up those armies essentially belong to a state of things in which mankind—even European mankind—is not yet thoroughly organised into political life. Roughly summarised, they are these: (1). The temporary confiscation by Napoleon to his own account of the products of the French Revolution, which thus, though founded on a true idea of a citizenship in which not the few only, but all men, should partake, for the time issued in a δυναστεία over the countries which most directly felt the effects of the revolution. (2). The consequent revival in dynastic forms, under the influence of antagonism to France, of national life in Germany. (3). The aspiration after national unity elsewhere in Europe, —a movement which must precede the organisation of states on a sound basis, and for the time readily yields itself to direction by a δυναστεία. (4). The existence, over all the Slavonic side of Europe, of populations which are only just beginning to make any approach to political life—the life of the πολιτεία, or 'civitas'—and still offer a tempting field to the ambition of rival δυναστείαι, Austrian, Russian, and Turkish (which, indeed, are by no means to be put on a level, but are alike as not resting on a basis of citizenship). (5). The tenure of a great Indian empire by England, which not only gives it a military character which would not belong to it simply as a state, but brings it into outward relations with the δυναστείαι just spoken of. This is no doubt a very incomplete account of the influences which have combined to 'turn Europe into a great camp' (a very exaggerated expression); but it may serve to show what a fuller account would show more clearly, that the military system of Europe is no necessary incident of the relations between independent states, but arises from the fact that the organisation of state-life, even with those peoples that have been brought under its influence at all, is still so incomplete.

174. The more complete that organisation becomes, the more the motives and occasions of international conflict tend to disappear, while the bonds of unity become stronger. The latter is the case, if for no other reason, yet for this; that the better organisation of the state means freer scope to the individual (not necessarily to do as he likes, e.g. in

the buying and selling of alcohol, but in such development of activity as is good on the whole). This again means free intercourse between members of one state and those of another, and in particular more freedom of trade. All restrictions on freedom of wholesome trade are really based on special class-interests, and must disappear with the realisation of that idea of individual right, founded on the capacity of every man for free contribution to social good, which is the true idea of the state. And as trade between members of different states becomes freer and more full, the sense of common interests between them, which war would infringe, becomes stronger. The bond of peace thus established is sometimes depreciated as a selfish one, but it need be no more selfish than that which keeps the peace between members of the same state, who have no acquaintance with each other. In one case as in the other it may be said that the individual tries to prevent a breach of the peace because he knows that he has more to gain than to lose by it. In the latter case, however, this account of the matter would be, to say the least, insufficient. The good citizen observes the law in letter and in spirit, not from any fear of consequences to himself if he did not, but from an idea of the mutual respect by men for each other's rights as that which should be an idea which has become habitual with him, and regulates his conduct without his asking any questions about it. There was a time, however, when this idea only thus acted spontaneously in regulating a man's action towards his family or immediate neighbours or friends. Considerations of interest were the medium through which a wider range of persons came to be brought within its range. And thus, although considerations of an identity of interests, arising out of trade, may be the occasion of men's recognising in men of other nations those rights which war violates, there is no reason why, upon that occasion and through the familiarity which trade brings about, an idea of justice, as a relation which should subsist between all mankind as well as between members of the same state, may not come to act on men's minds as independently of all calculation of their several interests as does the idea which regulates the conduct of the good citizen.

175. If the necessary or impelling power of the idea of what is due from members of different nations to each other

is weak, it must be observed on the other hand that the individual members of a nation have no such apparent interest in their government's dealing unfairly with another nation as one individual may have in getting the advantage of another. Thus, so far as this idea comes to form part of the habit of men's minds, there ceases to be anything in the passions of the people which a government represents to stimulate the government to that unfairness in dealing with another government, to which an individual might be moved by self-seeking passions in dealing with another individual, in the absence of an impartial authority having power over both. If at the same time the several governments are purely representative of the several peoples, as they should become with the due organisation of the state, and thus have no dynastic interests of their own in embroiling one nation with another, there seems to be no reason why they should not arrive at a passionless impartiality in dealing with each other, which would be beyond the reach of the individual in defending his own cause against another. At any rate, if no government can ever get rid of some bias in its own favour, there remains the possibility of mediation in cases of dispute by disinterested governments. With the abatement of national jealousies and the removal of those deeply-seated causes of war which, as we have seen, are connected with the deficient organisation of states, the dream of an international court with authority resting on the consent of independent states may come to be realised. Such a result may be very remote, but it is important to bear in mind that there is nothing in the intrinsic nature of a system of independent states incompatible with it, but that on the contrary every advance in the organisation of mankind into states in the sense explained is a step towards it.

L. *THE RIGHT OF THE STATE TO PUNISH.*

176. (3) We come now to the third of the questions raised[1] in regard to the individual's right to free life, the question under what conditions that right may be forfeited; the question, in other words, of the state's right of punishment. The right (i.e. the power secured by social recognition) of free life in every man rests on the assumed capacity in every man of free action contributory to social good ('free' in the sense of determined by the idea of a common good. Animals may and do contribute to the good of man, but not thus 'freely'). This right on the part of associated men implies the right on their part to prevent such actions as interfere with the possibility of free action contributory to social good. This constitutes the right of punishment, the right so far to use force upon a person (to treat him as an animal or a thing) as may be necessary to save others from this interference.

177. Under what conditions a person needs to be thus dealt with, what particular actions on his part constitute such an interference, is a question which can only be answered when we have considered what powers in particular need to be secured to individuals or to officials in order to the possibility of free action of the kind described. Every such power is a right of which the violation, if intended as a violation of a right, requires a punishment, of which the kind and amount must depend on the relative importance of the right and of the extent to which its general exercise is threatened. Thus every theory of rights in detail must be followed by, or indeed implies, a corresponding theory of punishment in detail, a theory which considers what particular acts are punishable, and how they should be punished. The latter cannot precede the former: all that can be done

[1] [Above, sec. 156.]

here is further to consider what general rules of punishment are implied in the principle on which we hold all right of punishment to rest, and how far in the actual practice of punishment that principle has been realised.

178. It is commonly asked whether punishment according to its proper nature is retributive or preventive or reformatory. The true answer is that it is and should be all three. The statement, however, that the punishment of the criminal by the state is retributive, though true in a sense that will be explained directly, yet so readily lends itself to a misunderstanding, that it is perhaps best avoided. It is not true in the sense that in legal punishment as it should be there survives any element of private vengeance, of the desire on the part of the individual who has received a hurt from another to inflict an equivalent hurt in return. It is true that the beginning of punishment by the state first appears in the form of a regulation of private vengeance, but it is not therefore to be supposed that punishment by the state is in any way a continuation of private vengeance. It is the essence of the former to suppress and supersede the latter, but it only does so gradually, just as rights in actuality are only formed gradually. Private vengeance belongs to the state of things in which rights are not as yet actualised; in the sense that the powers which it is for the social good that a man should be allowed to exercise, are not yet secured to him by society. In proportion as they are actualised, the exercise of private vengeance must cease. A *right* of private vengeance is an impossibility; for, just so far as the vengeance is private, the individual in executing it is exercising a power not derived from society nor regulated by reference to social good, and such a power is not a right. Hence the view commonly taken by writers of the seventeenth and eighteenth centuries implies an entire misconception of the nature of a right; the view, viz., that there first existed rights of self-defence and self-vindication on the part of individuals in a state of nature, and that these came to be devolved on a power representing all individuals, so that the state's right of using force against those men who use or threaten force against other men, is merely the sum or equivalent of the private rights which individuals would severally possess if there were no public equivalent for them. This is to suppose that to have been a right which in truth,

under the supposed conditions, would merely have been animal impulse and power, and public right (which is a pleonasm, for all right is public) to have resulted from the combination of these animal impulses and powers; it is to suppose that from a state of things in which 'homo homini lupus,' by mere combination of wolfish impulses, there could result the state of things in which 'homo homini deus.'

179. In a state of things in which private vengeance for hurt inflicted was the universal practice, there could be no rights at all. In the most primitive society in which rights can exist, it must at least within the limits of the family be suppressed by that authority of the family or its head which first constitutes rights. In such a society it is only on the members of another family that a man may retaliate at pleasure a wrong done to him, and then the vengeance is not, strictly speaking, taken by individual upon individual, though individuals may be severally the agent and patient of it, but by family upon family. Just because there is as yet no idea of a state independent of ties of birth, much less of a universal society from relation to which a man derives rights, there is no idea of rights attaching to him as a citizen or as a man, but only as a member of a family. That social right, which is at once a right of society over the individual, and a right which society communicates and secures to the individual, appears, so far, only as a control exercised by the family over its members in their dealings with each other, as an authorisation which it gives them in prosecuting their quarrels with members of another family, and at the same time to a certain extent as a limitation on the manner in which feuds between families may be carried on, a limitation generally dependent on some religious authority equally recognised by the families at feud.

180. From this state of things it is a long step to the régime of law in a duly constituted state. Under it the arm of the state alone is the organ through which force may be exercised on the individual; the individual is prohibited from averting violence by violence, except so far as is necessary for the immediate protection of life, and altogether from avenging wrong done to him, on the understanding that the society, of which he is an organ and from which he derives his rights, being injured in every injury to him, duly protects him against injury, and when it fails to prevent

such injury from being done, inflicts such punishment on the offender as is necessary for future protection. But the process from the one state of things to the other, though a long one, consists in the further development of that social right[1] which properly speaking was the only right the individual ever had, and from the first, or ever since a permanent family tie existed, was present as a qualifying and restraining element in the exercise of private vengeance so far as that exercise partook at all in the nature of a right. The process is not a continuance of private vengeance under altered forms, but a gradual suppression of it by the fuller realisation of the higher principle which all along controlled it.

181. But it will be asked, how upon this view of the nature of punishment as inflicted by the state it can be considered retributory. If no private vengeance, no vengeance of the injured individual, is involved in punishment, there can be no vengeance in it at all. The conception of vengeance is quite inappropriate to the action of society or the state on the criminal. The state cannot be supposed capable of vindictive passion. Nor, if the essence of crime is a wrong done to society, does it admit of retaliation upon the person committing it. A hurt done to an individual can be requited by the infliction of a like hurt upon the person who has done it; but no equivalent of wrong done to society can be paid back to the doer of it.

182. It is true that there is such a thing as a national desire for revenge[2] (France and Germany): and, if a state = a nation organised in a certain way, why should it not be 'capable of vindictive passion'? No doubt there is a unity of feeling among the members of a nation which makes them feel any loss of strength, real or apparent, sustained by the nation in its corporate character, as a hurt or disgrace to themselves, which they instinctively desire to revenge. The

[1] 'Social right,' i.e. right belonging to a society of persons recognising a common good, and belonging through membership of the society to the several persons constituting it. The society to which the right belongs, is in principle or possibility a society of all men as rendered capable of free intercourse with each other by the organisation of the state. Actually at first it is only this or that family; then some association of families; finally the state, as including all other forms of association, reconciling the rights which arise out of them, and thus the most perfect medium through which the individual can contribute to the good of mankind and mankind to his.

[2] 'Happy shall he be that rewardeth thee as thou hast served us.'

corporate feeling is so strong that individuals feel themselves severally hurt in the supposed hurt of the nation. But when it is said that a crime is an offence against the state, it is not meant that the body of persons forming the nation feel any hurt in the sense in which the person robbed or wounded does, such a hurt as excites a natural desire for revenge. What is meant is that there is a violation of a system of rights which the nation has, no doubt, an interest in maintaining, but a purely social interest, quite different from the egoistic interest of the individual of which the desire for vengeance is a form. A nation is capable of vindictive feeling, but not so a nation as acting through the medium of a settled, impartial, general law for the maintenance of rights, and that is what we mean when we talk of the state as that against which crimes are committed and which punishes them.

183. It is true that when a crime of a certain sort, e.g. a cold-blooded murder, has been committed, a popular sympathy with the sufferer is excited, which expresses itself in the wish to 'serve out' the murderer. This has some resemblance to the desire for personal revenge, but is really quite different, because not egoistic. Indignation against wrong done to another has nothing in common with a desire to revenge a wrong done to oneself. It borrows the language of private revenge, just as the love of God borrows the language of sensuous affection. Such indignation is inseparable from the interest in social well-being, and along with it is the chief agent in the establishment and maintenance of legal punishment. Law indeed is necessarily general, while indignation is particular in its reference; and accordingly the treatment of any particular crime, so far as determined by law, cannot correspond with the indignation which the crime excites; but the law merely determines the general category under which the crime falls, and fixes certain limits to the punishment that may be inflicted under that category. Within those limits discretion is left to the judge as to the sentence that he passes, and his sentence is in part influenced by the sort of indignation which in the given state of public sentiment the crime is calculated to excite; though generally much more by his opinion as to the amount of terror required for the prevention of prevalent crime. Now what is it in punishment that this indignation

demands? If not the sole foundation of public punishment, it is yet inseparable from that public interest, on which the system of rights, with the corresponding system of punishments protective of rights, depends. In whatever sense then this indignation demands retribution in punishment, in that sense retribution would seem to be a necessary element in punishment. It demands retribution in the sense of demanding that the criminal should have his due, should be dealt with according to his deserts, should be punished justly.

184. This is quite a different thing from an equivalence between the amount of suffering inflicted by the criminal and that which he sustains in punishment. The amount of suffering which is caused by any crime is really as incalculable as that which the criminal endures in punishment, whatever the punishment. It is only in the case of death for murder that there is any appearance of equivalence between the two sufferings, and in this case the appearance is quite superficial. The suffering involved in death depends almost entirely on the circumstances, which are absolutely different in the case of the murdered man and in that of the man executed for murder. When a man is imprisoned with hard labour for robbery, there is not even an appearance of equivalence of suffering between the crime and the punishment. In what then does the justice of a punishment, or its correspondence with the criminal's deserts consist? It will not do to say that these terms merely represent the result of an association of ideas between a crime and the penalty which we are accustomed to see inflicted on it; that society has come to attach certain penalties to certain actions as a result of the experience (1) of suffering and loss caused by those acts, and (2) of the kind of suffering of which the expectation will deter men from doing them; and that these penalties having become customary, the onlookers and the criminal himself, when one of them is inflicted, feel that he has got what was to be expected, and call it his due or desert or a just punishment. If this were the true account of the matter, there would be nothing to explain the difference between the emotion excited by the spectacle of a just punishment inflicted, or the demand that it should be inflicted, on the one side, and on the other that excited by the sight of physical suffering following according to the usual

course of things upon a physical combination of circumstances, or the expectation that such suffering will follow. If it is said that the difference is explained by the fact that in the one case both the antecedent (the criminal act) and the consequent represent voluntary human agency, while in the other they do not, we reply, Just so, but for that reason the conception of a punishment as just differs wholly from any conception of it that could result either from its being customary, or from the infliction of such punishment having been commonly found a means for protecting us against hurt.

185. The idea of punishment implies on the side of the person punished at once a capacity for determination by the conception of a common or public good, or in other words a practical understanding of the nature of rights as founded on relations to such public good, and an actual violation of a right or omission to fulfil an obligation, the right or obligation being one of which the agent might have been aware and the violation or omission one which he might have prevented. On the side of the authority punishing, it implies equally a conception of right founded on relation to public good, and one which, unlike that on the part of the criminal, is realised in act; a conception of which the punitive act, as founded on a consideration of what is necessary for the maintenance of rights, is the logical expression. A punishment is unjust if either element is absent; if either the act punished is not a violation of known rights or an omission to fulfil known obligations of a kind which the agent might have prevented, or the punishment is one that is not required for the maintenance of rights, or (which comes to the same thing), if the ostensible rights for the maintenance of which the punishment is required are not real rights, are not liberties of action or acquisition which there is any real public interest in maintaining.

186. When the specified conditions of just punishment are fulfilled, the person punished himself recognises it as just, as his due or desert, and it is so recognised by the onlooker who thinks himself into the situation. The criminal, being susceptible to the idea of public good, and through it to the idea of rights, though this idea has not been strong enough to regulate his actions, sees in the punishment its natural expression. He sees that the punishment is his own act returning on himself, in the sense that it is the necessary

outcome of his act in a society governed by the conception of rights, a conception which he appreciates and to which he does involuntary reverence.

It is the outcome of his act, or his act returning upon himself, in a different way from that in which a man's act returns on himself when, having misused his body, he is visited according to physical necessity by painful consequences. The cause of the suffering which the act entails in the one case is the relation of the act to a society governed by the conception of rights; in the other it is not. For that reason, the painful consequence of the act to the doer in the one case is, in the other is not, properly a punishment. We do indeed commonly speak of the painful consequences of imprudent or immoral acts ('immoral' as distinct from 'illegal') as a punishment of them, but this is either metaphorically or because we think of the course of the world as regulated by a divine sovereign, whom we conceive as a maintainer of rights like the sovereign of a state. We may think of it as divinely regulated, and so regulated with a view to the realisation of moral good, but we shall still not be warranted in speaking of the sufferings which follow in the course of nature upon certain kinds of conduct as punishments, according to the distinctive sense in which crime is punished, unless we suppose the maintenance of rights to be the object of the moral government of the world,—which is to put the cart before the horse; for, as we have seen, rights are relative to morality, not morality to rights (the ground on which certain liberties of action and acquisition should be guaranteed as rights being that they are conditions of the moral perfection of society).

While there would be reason, then, as against those who say that the punishment of crime is merely preventive, in saying that it is also retributive, if the needed correction of the 'merely preventive' doctrine could not be more accurately stated, it would seem that the truth can be more accurately stated by the proposition that punishment is not justified unless it is just, and that it is not just unless the act punished is an intentional violation of real right or neglect of real obligation which the agent could have avoided (i.e. unless the agent knowingly and by intentional act interferes with some freedom of action or acquisition which there is a public interest in maintaining), and unless the future

maintenance of rights requires that the criminal be dealt with as he is in the punishment.[1]

187. It is clear, however, that this requirement, that punishment of crime should be just, may be covered by the statement that in its proper nature it is preventive, if the nature of that which is to be prevented by it is sufficiently defined. Its proper function is, in the interest of rights that are genuine (in the sense explained), to prevent actions of the kind described by associating in the mind of every possible doer of them a certain terror with the contemplation of the act,—such terror as is necessary on the whole to protect the rights threatened by such action. The whipping of an ill-behaved dog is preventive, but not preventive in the sense in which the punishment of crime is so, because (1) the dog's ill conduct is not an intentional violation of a right or neglect of a known obligation, the dog having no conception of right or obligation, and (2) for the same reason the whipping does not lead to the association of terror in the minds of other dogs with the violation of rights and neglect of obligations. To shoot men down who resist a successful *coup d'état* may be effectually preventive of further resistance to the government established by the *coup d'état*, but it does not satisfy the true idea of punishment, because the terror produced by the massacre is not necessary for the protection of genuine rights, rights founded on public interest. To hang men for sheep-stealing, again, does not satisfy the idea; because, though it is a genuine right that sheep-stealing violates, in a society where there was any decent reconciliation of rights no such terror as is caused by the punishment of death would be required for the protection of the right. It is because the theory that punishment is 'merely preventive' favours the notion that the repetition of any action which any sufficient body of men find inconvenient may justifiably be prevented by any sort of terror that may be convenient for the purpose, that it requires to be guarded by substituting for the qualifying

[1] The conceptions of the just and of justice implied in this statement of the conditions of just punishment may be expressed briefly as follows. 'The just' = that complex of social conditions which for each individual is necessary to enable him to realise his capacity of contributing to social good. 'Justice' is the habit of mind which leads us to respect those conditions in dealing with others,—not to interfere with them so far as they already exist, and to bring them into existence so far as they are not found in existence.

'merely' a statement of what it is which the justifiable punishment prevents and why it prevents it.

188. But does our theory, after all has been said about the wrongness of punishment that is not just, afford any standard for the apportionment of just punishment, any criterion of the amount of interference with a criminal's personal rights that is appropriate to his crime, except such as is afforded by a prevalent impression among men as to what is necessary for their security? Can we construe it so as to afford such a criterion, without at the same time condemning a great deal of punishment which yet society could be never brought to dispense with? Does it really admit of being applied at all in the presence of the admitted impossibility of ascertaining the degree of moral guilt of criminals, as depending on their state of character or habitual motives? How, according to it, can we justify punishments inflicted in the case of 'culpable negligence,' e.g. when an engine-driver, by careless driving, for which we think very little the worse of him, is the occasion of a bad accident, and is heavily punished in consequence?

189. It is true that there can be no *a priori* criterion of just punishment, except of an abstract and negative kind. We may say that no punishment is just, unless the rights which it serves to protect are powers on the part of individuals or corporations of which the general maintenance is necessary to the well-being of society on the whole, and unless the terror which the punishment is calculated to inspire is necessary for their maintenance. For a positive and detailed criterion of just punishment, we must wait till a system of rights has been established in which the claims of all men, as founded on their capacities for contributing to social well-being, are perfectly harmonised, and till experience has shown the degree and kind of terror with which men must be affected in order to the suppression of the anti-social tendencies which might lead to the violation of such a system of rights. And this is perhaps equivalent to saying that no complete criterion of just punishment can be arrived at till punishment is no longer necessary; for the state of things supposed could scarcely be realised without bringing with it an extinction of the tendencies which state-punishment is needed to suppress. Meanwhile there is no method of approximation to justice in punishment but that which consists in gradually making the system of established rights

just, i.e. in harmonising the true claims of all men, and in discovering by experience the really efficient means of restraining tendencies to violation of rights. An intentional violation of a right must be punished, whether the right violated is one that should be a right or no, on the principle that social well-being suffers more from violation of any established right, whatever the nature of the right, than from the establishment as a right of a power which should not be so established; and it can only be punished in the way which for the time is thought most efficient by the maintainers of law for protecting the right in question by associating terror with its violation. This, however, does not alter the moral duty, on the part of the society authorising the punishment, to make its punishments just by making the system of rights which it maintains just. The justice of the punishment depends on the justice of the general system of rights; not merely on the propriety with reference to social well-being of maintaining this or that particular right which the crime punished violates, but on the question whether the social organisation in which a criminal has lived and acted is one that has given him a fair chance of not being a criminal.

190. We are apt to think that the justice of a punishment depends on some sort of equality between its magnitude and that of the crime punished, but this notion arises from a confusion of punishment as inflicted by the state for a wrong done to society with compensation to the individual for damage done him. Neither a crime nor its punishment admits of strictly quantitative measurement. It may be said, indeed, that the greater the crime the heavier should be its punishment, but this is only true if by the 'heavier punishment' is understood that with which most terror is associated in the popular imagination, and if the conception of the 'greater crime' is taken on the one hand to exclude any estimation of the degree of moral guilt, and, on the other hand, to be determined by an estimate not only of the importance in the social system of the right violated by the crime, but of the amount of terror that needs to be associated with the crime in the general apprehension in order to its prevention. But when its terms are thus understood, the statement that the greater the crime the heavier should be its punishment, becomes an identical proposition. It amounts

to this, that the crime which requires most terror to be associated with it in order to its prevention should have most terror thus associated with it.

191. But why do the terms 'heavier punishment' and 'greater crime' need to be thus understood? Why should not the 'greater crime' be understood to mean the crime implying most moral wickedness, or partly this, partly the crime which violates the more important kind of right? Why should a consideration of the amount of terror that needs to be associated with it in order to its prevention enter into the determination of the 'greater crime' at all? Why again should not the 'heavier punishment' mean simply that in which the person punished actually suffers most pain? Why should it be taken to mean that with which most terror is associated upon the contemplation? In short, is not the proposition in question at once true and significant in the sense that the crime which implies the most moral depravity, or violates the most important right (such as the right to life), or which does both, should be visited with the punishment that involves most pain to the sufferer?

192. The answer is: As regards heaviness of punishment, it is not in the power of the state to regulate the amount of pain which it causes to the person whom it punishes. If it could only punish justly by making this pain proportionate in each case to the depravity implied in the crime, it could not punish justly at all. The amount of pain which any kind of punishment causes to the particular person depends on his temperament and circumstances, which neither the state nor its agent, the judge, can ascertain. But if it could be ascertained, and if (which is equally impossible) the amount of depravity implied in each particular crime could be ascertained likewise in order to make the pain of the punishment proportionate to the depravity, a different punishment would have to be inflicted in each case according to the temperament and circumstances of the criminal. There would be an end to all general rules of punishment.

193. In truth, however, the state in its capacity as the sustainer of rights (and it is in this capacity that it punishes) has nothing to do with the amount of moral depravity in the criminal, and the primary reference in punishment, as inflicted by the state, is not to the effect of

the punishment on the person punished but to its effect on others. The considerations determining its amount should be prospective rather than retrospective. In the crime a right has been violated. No punishment can undo what has been done, or make good the wrong to the person who has suffered. What it can do is to make less likely the doing of a similar wrong in other cases. Its object, therefore, is not to cause pain to the criminal for the sake of causing it, nor chiefly for the sake of preventing him, individually, from committing the crime again, but to associate terror with the contemplation of the crime in the mind of others who might be tempted to commit it. And this object, unlike that of making the pain of the punishment commensurate with the guilt of the criminal, is in the main attainable. The effect of the spectacle of punishment on the onlooker is independent of any minute inquiry into the degree to which it affects the particular criminal. The attachment of equal penalties to offences that are alike in respect of the importance of the rights which they violate, and in respect of the ordinary temptations to them, will, on the whole, lead to the association of an equal amount of terror with the prospect of committing like offences in the public mind. When the circumstances, indeed, of two criminals guilty of offences alike in both the above respects are very greatly and obviously different, so different as to make the operation of the same penalty upon them very conspicuously different, then the penalty may be varied without interfering with its terrifying effect on the public mind. We will suppose e.g. that a fraud on the part of a respectable banker is equivalent, both in respect of the rights which it violates and of the terror needed to prevent the recurrence of like offences, to a burglary. It will not follow because the burglary is punished by imprisonment with hard labour that hard labour should be inflicted on the fraudulent banker likewise. The infliction of hard labour is in everyone's apprehension so different to the banker from what it is to the burglar, that its infliction is not needed in order to equalise the terror which the popular imagination associates with the punishment in the two cases.

194. On the same principle may be justified the consideration of extenuating circumstances in the infliction of punishment. In fact, whether under that name or another, they are taken account of in the administration of criminal law

among all civilised nations. 'Extenuating circumstances' is not a phrase in use among our lawyers, but in fact the consideration of them does constantly, with the approval of the judge, convert what would otherwise have been conviction for murder into conviction for manslaughter, and when there has been conviction for murder, leads to the commutation of the sentence. This fact is often taken to show that the degree of moral depravity on the part of the criminal, the question of his character and motive, is and must be considered in determining the punishment due to him. In truth, however, 'extenuating circumstances' may very well make a difference in the kind of terror which needs to be associated with a crime in order to the future protection of rights, and under certain conditions the consideration of them may be sufficiently justified on this ground. Suppose a theft by a starving man, or a hare shot by an angry farmer whose corn it is devouring. These are crimes, but crimes under such extenuating circumstances that there is no need to associate very serious terror with them in order to the protection of the essential rights of property. In the latter case the right which the farmer violates is one which perhaps might be disallowed altogether without interference with any right which society is interested in maintaining. In the former case the right violated is a primary and essential one; one which, where there are many starving people, is in fact pretty sure to be protected by the most stringent penalties. And it might be argued that on the principle stated this is as it should be; that, so far from the hunger of the thief being a reason for lightening his punishment, it is a reason for increasing it, in order that the special temptation to steal when far gone in hunger may, if possible, be neutralised by a special terror associated with the commission of the crime under those conditions. But this would be a one-sided application of the principle. It is not the business of the state to protect one order of rights specially, but all rights equally. It ought not therefore to protect a certain order of rights by associating special terror with the violation of them, when the special temptation to their violation itself implies a violation of right in the persons of those who are so tempted, as is the case when a general danger to property arises from the fact that many people are on the edge of starvation. The attempt to do

so is at once ineffectual and diverts attention from the true way of protecting the endangered right, which is to prevent people from falling into a state of starvation. In any tolerably organised society the condition of a man, ordinarily honest and industrious, who is driven to theft by hunger, will be so abnormal that very little terror needs to be associated with the crime as so committed in order to maintain the sanctity of property in the general imagination. Suppose again a man to be killed in a quarrel arising out of his having tampered with the fidelity of his neighbour's wife. In such a case 'extenuating circumstances' may fairly be pleaded against the infliction of the extremest penalty, because the extremest terror does not need to be associated with homicide, as committed under such conditions, in order to the general protection of human life, and because the attempt so to associate it would tend, so far as successful, to weaken the general sense of the wrong—the breach of family right—involved in the act which, in the case supposed, provokes the homicide.

195. 'After all,' it may be said, 'this is a far-fetched way of explaining the admission of extenuating circumstances as modifying the punishment of crime. Why so strenuously avoid the simpler explanation, that extenuating circumstances are taken into account because they are held to modify the moral guilt of the crime? Is not their recognition a practical proof that the punishment of a crime by the state represents the moral disapproval of the community? Does it not show that, however imperfectly the amount of punishment inflicted on a crime may in fact correspond to its moral wickedness, it is generally felt that it ought to do so?'

196. The answer is that there are two reasons for holding that the state neither can nor should attempt to adjust the amount of punishment which it inflicts on a crime to the degree of moral depravity which the crime implies. (1) That the degree of moral depravity implied in any crime is unascertainable. It depends on the motive of the crime, and on this as part of the general character of the agent; on the relation in which the habitual set of his character stands to the character habitually set on the pursuit of goodness. No one can ascertain this in regard to himself. He may know that he is always far from being what he

ought to be; that one particular action of his represents on the whole, with much admixture of inferior motives, the better tendency; another, with some admixture of better motives, the worse. But any question in regard to the degree of moral goodness or badness in any action of his own or of his most intimate friend is quite unanswerable. Much less can a judge or jury answer such a question in regard to an unknown criminal. We may be sure indeed that any ordinary crime—nay, perhaps even that of the 'disinterested rebel'—implies the operation of some motive which is morally bad, for though it is not necessarily the worst men who come into conflict with established rights, it probably never can be the best; but the degree of badness implied in such a conflict in any particular case is quite beyond our ken, and it is this degree that must be ascertained if the amount of punishment which the state inflicts is to be proportionate to the moral badness implied in the crime. (2) The notion that the state should, if it could, adjust the amount of punishment which it inflicts on a crime to the moral wickedness of the crime, rests on a false view of the relation of the state to morality. It implies that it is the business of the state to punish wickedness, as such. But it has no such business. It cannot undertake to punish wickedness, as such, without vitiating the disinterestedness of the effort to escape wickedness, and thus checking the growth of a true goodness of the heart in the attempt to promote a goodness which is merely on the surface. This, however, is not to be understood as meaning that the punishment of crime serves no moral purpose. It does serve such a purpose, and has its value in doing so, but only in the sense that the protection of rights, and the association of terror with their violation, is the condition antecedent of any general advance in moral well-being.

197. The punishment of crime, then, neither is, nor can, nor should be adjusted to the degree of moral depravity, properly so called, which is implied in the crime. But it does not therefore follow that it does not represent the disapproval which the community feels for the crime. On the whole, making allowance for the fact that law and judicial custom vary more slowly than popular feeling, it does represent such disapproval. And the disapproval may fitly be called moral, so far as that merely means that it is

a disapproval relating to voluntary action. But it is a disapproval founded on a sense of what is necessary for the protection of rights, not on a judgment of good and evil of that kind which we call conscience when it is applied to our own actions, and which is founded on an ideal of moral goodness with which we compare our inward conduct ('inward,' as representing motives and character). It is founded essentially on the outward aspect of a man's conduct, on the view of it as related to the security and freedom in action and acquisition of other members of society. It is true that this distinction between the outward and inward aspects of conduct is not present to the popular mind. It has not been recognised by those who have been the agents in establishing the existing law of crimes in civilised nations. As the state came to control the individual or family in revenging hurts, and to substitute its penalties for private vengeance, rules of punishment came to be enacted expressive of general disapproval, without any clear consciousness of what was the ground of the disapproval. But in fact it was by what have been just described as the outward consequences of conduct that a general disapproval of it was ordinarily excited. Its morality in the stricter or inward sense was not matter of general social consideration. Thus in the main it has been on the ground of its interference with the general security and freedom in action and acquisition, and in proportion to the apprehension excited by it in this respect, that conduct has been punished by the state. Thus the actual practice of criminal law has on the whole corresponded to its true principle. So far as this principle has been departed from, it has not been because the moral badness of conduct, in the true or inward sense, has been taken account of in its treatment as a crime, for this has not been generally contemplated at all, but because 'religious' considerations have interfered. Conduct which did not call for punishment by the state as interfering with any true rights (rights that should be rights) has been punished as 'irreligious.' This, however, did not mean that it was punished on the ground of moral badness, properly so called. It meant that its consequences were feared either as likely to weaken the belief in some divine authority on which the established system of rights was supposed to rest, or as likely to bring evil on the community through provoking the wrath of some unseen power.

198. This account of the considerations which have regulated the punishment of crimes explains the severity with which 'criminal negligence' is in some cases punished, and that severity is justified by the account given of the true principle of criminal law, the principle, viz., that crime should be punished according to the importance of the right which it violates, and to the degree of terror which in a well-organised society needs to be associated with the crime in order to the protection of the right. It cannot be held that the carelessness of an engine-driver who overlooks a signal and causes a fatal accident, implies more moral depravity than is implied in such negligence as all of us are constantly guilty of. Considered with reference to the state of mind of the agent, it is on a level with multitudes of actions and omissions which are not punished at all. Yet the engine-driver would be found guilty of manslaughter and sentenced to penal servitude. The justification is not to be found in distinctions between different kinds of negligence on the part of different agents, but in the effect of the negligence in different cases upon the rights of others. In the case supposed, the most important of all rights, the right to life, on the part of railway passengers depends for its maintenance on the vigilance of the drivers. Any preventible failure in such vigilance requires to have sufficient terror associated with it in the mind of other engine-drivers to prevent the recurrence of a like failure in vigilance. Such punishment is just, however generally virtuous the victim of it is, because it is necessary to the protection of rights of which the protection is necessary to social well-being; and the victim of it, in proportion to his sense of justice, which means his habit of practically recognising true rights, will recognise it as just.

199. On this principle crimes committed in drunkenness must be dealt with. Not only is all depravity of motive specially inapplicable to them, since the motives actuating a drunken man often seem to have little connection with his habitual character; it is not always the case that a crime committed in drunkenness is even intentional. When a man in a drunken rage kills another, he no doubt intends to kill him, or at any rate to do him 'grievous bodily harm,' and perhaps the association of great penal terror with such an offence may tend to restrain men from committing it even

when drunk; but when a drunken mother lies on her child and smothers it, the hurt is not intentional but accidental. The drunkenness, however, is not accidental, but preventible by the influence of adequate motives. It is therefore proper to treat such a violation of right, though committed unknowingly, as a crime, and to associate terror with it in the popular imagination, in order to the protection of rights by making people more careful about getting drunk, about allowing or promoting drunkenness, and about looking after drunken people. It is unreasonable, however, to do this and at the same time to associate so little terror, as in practice we do, with the promotion of dangerous drunkenness. The case of a crime committed by a drunkard is plainly distinguishable from that of a crime committed by a lunatic, for the association of penal terror with the latter would tend neither to prevent a lunatic from committing a crime nor people from becoming lunatics.

200. The principle above stated, as that according to which punishment by the state should be inflicted and regulated, also justifies a distinction between crimes and civil injuries, i.e. between breaches of right for which the state inflicts punishment without redress to the person injured, and those for which it procures or seeks to procure redress to the person injured without punishment of the person causing the injury. We are not here concerned with the history of this distinction (for which see Maine, *Ancient Law*, chap. x, and W. E. Hearn, *The Aryan Household*, chap. xix), nor with the question whether many breaches of right now among us treated as civil injuries ought not to be treated as crimes, but with the justification that exists for treating certain kinds of breach of right as cases in which the state should interfere to procure redress for the person injured, but not in the way of inflicting punishment on the injurer until he wilfully resists the order to make redress. The principle of the distinction as ordinarily laid down, viz. that civil injuries 'are violations of rights when considered in reference to the injury sustained by the individual,' while crimes are 'violations of rights when considered in reference to their evil tendency as regards the community at large' (Stephen, Book V, chap. i), is misleading; for if the well-being of the community did not suffer in the hurt done to the individual, that hurt would not be a violation of a right

in the true sense at all, nor would the community have any ground for insisting that the hurt shall be redressed, and for determining the mode in which it shall be redressed. A violation of right cannot in truth be considered merely in relation to injury sustained by an individual, for, thus considered, it would not be a violation of right. It may be said that the state is only concerned in procuring redress for civil injuries, because, if it left an individual to procure redress in his own way, there would be no public peace. But there are other and easier ways of preventing fighting than by procuring redress of wrong. We prevent our dogs from fighting, not by redressing wrongs which they sustain from each other (of wrongs as of rights they are in the proper sense incapable), but by beating them or tying them up. The community would not keep the peace by procuring redress for hurt or damage sustained by individuals, unless it conceived itself as having interest in the security of individuals from hurt and damage, unless it considered the hurt done to individuals as done to itself. The true justification for treating some breaches of right as cases merely for redress, others as cases for punishment, is that, in order to the general protection of rights, with some it is necessary to associate a certain terror, with others it is not.

201. What then is the general ground of distinction between those with which terror does, and those with which it does not, need to be associated? Clearly it is purposeless to associate terror with breaches of right in the case where the breaker does not know that he is violating a right, and is not responsible for not knowing it. No association of terror with such a breach of right can prevent men from similar breaches under like conditions. In any case, therefore, in which it is, to begin with, open to dispute whether a breach of right has been committed at all, e.g. when it is a question whether a contract has been really broken, owing to some doubt as to the interpretation of the contract or its application to a particular set of circumstances, or whether a commodity of which someone is in possession properly belongs to another,—in such a case, though the judge finally decides that there has been a breach of right, there is no ground for treating it as a crime or punishing it. If, in the course of judicial inquiry, it turns out that there has been fraud by one or other of the parties to the litigation, a

criminal prosecution, having punishment, not redress, for its object, should properly supervene upon the civil suit, unless the consequences of the civil suit are incidentally such as to amount to a sufficient punishment of the fraudulent party. Again, it is purposeless to associate terror with a breach of obligation which the person committing it knows to be a breach, but of an obligation which he has no means of fulfilling, e.g. non-payment of an acknowledged debt by a man who, through no fault of his own, is without means of paying it. It is only in cases of one or other of the above kinds,—cases in which the breach of right, supposing it to have been committed, has presumably arisen either from inability to prevent it or from ignorance of the existence of the right,—that it can be held as an absolute rule to be no business of the state to interfere penally but only in the way of restoring, so far as possible, the broken right.

202. But there are many cases of breach of right which can neither be definitely reduced to one of the above kinds, nor distinguished from them by any broad demarcation; cases in which the breaker of a right has been ignorant of it, because he has not cared to know, or in which his inability to fulfil it is the result of negligence or extravagance. Whether these should be treated penally or no, will depend partly on the seriousness of the wrong done through avoidable ignorance or negligence, partly on the sufficiency of the deterrent effect incidentally involved in the civil remedy. In the case e.g. of inability to pay a debt through extravagance or recklessness, it may be unnecessary and inadvisable to treat the breach of right penally, in consideration that it is indirectly punished by poverty and the loss of reputation incidental to bankruptcy, and the creditors should not look to the state to protect them from the consequences of lending on bad security. The negligence of a trustee, again, may be indirectly punished by his being obliged to make good the property lost through his neglect to the utmost of his means. This may serve as a sufficiently deterrent example without the negligence being proceeded against criminally. Again, damage done to property by negligence is in England dealt with civilly, not criminally; and it may be held that in this case the liability to civil action is a sufficient deterrent. On the other hand, negligence which, as negligence, is not really distinguishable from the above, is rightly treated criminally when its consequences are more serious; e.g. that of the

railway-servant whose negligence results in a fatal accident, that of the bank-director who allows a misleading statement of accounts to be published, fraudulently perhaps in the eye of the law, but in fact negligently. As a matter of principle, no doubt, if intentional violation of the right of property is treated as penal equally with the violation of the right of life, the negligent violation should be treated as penal in the one case as much as in the other. But as the consequences of an action for damages may be virtually though not ostensibly penal to the person proceeded against, it may be convenient to leave those negligences which do not, like the negligence of a railway-servant, affect the most important rights, or do not affect rights on a very large scale as does that of a bank-director, to be dealt with by the civil process.

203. The actual distinction between crimes and civil injuries in English law is no doubt largely accidental. As the historians of law point out, the civil process, having compensation, not punishment, for its object, is the form which the interference of the community for the maintenance of rights originally takes. The community, restraining private vengeance, helps the injured person to redress, and regulates the way in which redress shall be obtained. This procedure no doubt implies the conviction that the community is concerned in the injury done to an individual, but it is only by degrees that this conviction becomes explicit, and that the community comes to treat all preventible breaches of right as offences against itself or its sovereign representative, i.e. as crimes or penal; in the language of English law, as 'breaches of the king's peace.' Those offences are first so treated which happen to excite most public alarm, most fear for general safety (hence, among others, anything thought sacrilegious). In a country like England, where no code has been drawn up on general principles, the class of injuries that are treated penally is gradually enlarged as public alarm happens to be excited in particular directions, but it is largely a matter of accident how the classification of crimes on one side and civil injuries on the other happens to stand at any particular time.[1]

[1] See Markby, *Elements of Law*, chap. xi, especially note 1, p. 243; and Austin, Lecture XXVII. Between crimes and civil injuries the distinction, as it actually exists, is merely one of procedure (as stated by Austin, p. 518). The violation of right in one case is proceeded against by the method of indictment, in the other by an 'action.' The distinction that in one case punishment is

204. According to the view here taken, then, there is no direct reference in punishment by the state, either retrospective or prospective, to moral good or evil. The state in its judicial action does not look to the moral guilt of the criminal whom it punishes, or to the promotion of moral good by means of his punishment in him or others. It looks not to virtue and vice but to rights and wrongs. It looks back to the wrong done in the crime which it punishes; not, however, in order to avenge it, but in order to the consideration of the sort of terror which needs to be associated with such wrong-doing in order to the future maintenance of rights. If the character of the criminal comes into account at all, it can only be properly as an incident of this consideration. Thus punishment of crime is preventive in its object; not, however, preventive of any or every evil and by any and every means, but (according to its idea or as it should be) *justly* preventive of *injustice*; preventive of interference with those powers of action and acquisition which it is for the general well-being that individuals should possess, and according to laws which allow those powers equally to all men. But in order effectually to attain its preventive object and to attain it justly, it should be reformatory. When the reformatory office of punishment is insisted on, the reference may be, and from the judicial point of view must be, not to the moral good of the criminal as an ultimate end, but to his recovery from criminal habits as a means to that which is the proper and direct object of state-punishment, viz. the general protection of rights. The reformatory function of punishment is from this point of view an incident of its preventive function, as regulated by the consideration of what is just to the criminal as well as to others. For the

the object of the process, in the other redress, is introduced in order to explain the difference of procedure; and to justify this distinction resort is had to the further distinction, that civil injury is considered to affect the individual merely, crime to affect the state. But in fact the action for civil injury may incidentally have a penal result (Austin, p 521), and if it had not, many violations of right now treated as civil injuries would have to be treated as crimes. As an explanation therefore of the distinction between crimes and injuries as it stands, it is not correct to say that for the former punishment is sought, for the latter merely redress. Nor for reasons already given is it true of any civil injury to say that it affects, or should be considered as affecting, injured individuals *merely*. The only distinction of principle is that between violations of right which call for punishment and those which do not; and those only do not call for punishment in some form or other which arise either from uncertainty as to the right violated, or from inability to prevent the violation.

fulfilment of this latter function, the great thing, as we have seen, is by the punishment of an actual criminal to deter other possible criminals; but for the same purpose, unless the actual criminal is to be put out of the way or locked up for life, it must be desirable to reform him so that he may not be dangerous in future. Now when it is asked why he should not be put out of the way, it must not be forgotten that among the rights which the state has to maintain are included rights of the criminal himself. These indeed are for the time suspended by his action in violation of rights, but founded as they are on the capacity for contributing to social good, they could only be held to be finally forfeited on the ground that this capacity was absolutely extinct.

205. This consideration limits the kind of punishment which the state may justly inflict. It ought not in punishing to sacrifice unnecessarily to the maintenance of rights in general what might be called the reversionary rights of the criminal, rights which, if properly treated, he might ultimately become capable of exercising for the general good. Punishment therefore either by death or by perpetual imprisonment is justifiable only on one of two grounds; either that association of the extremest terror with certain actions is under certain conditions necessary to preserve the possibility of a social life based on the observance of rights, or that the crime punished affords a presumption of a permanent incapacity for rights on the part of the criminal. The first justification may be pleaded for the executions of men concerned in treasonable outbreaks, or guilty of certain breaches of discipline in war (on the supposition that the war is necessary for the safety of the state and that such punishments are a necessary incident of war). Whether the capital punishment is really just in such cases must depend, not only on its necessity as an incident in the defence of a certain state, but on the question whether that state itself is fulfilling its function as a sustainer of true rights. For the penalty of death for murder both justifications may be urged. It cannot be defended on any other ground, but it may be doubted whether the presumption of permanent incapacity for rights is one which in our ignorance we can ever be entitled to make. As to the other plea, the question is whether, with a proper police system and sufficient certainty of detection and conviction, the

association of this extremest terror with the murderer is necessary to the security of life. Where the death-penalty, however, is unjustifiable, so must be that of really permanent imprisonment; one as much as the other is an absolute deprivation of free social life, and of the possibilities of moral development which that life affords. The only justification for a sentence of permanent imprisonment in a case where there would be none for capital punishment would be that, though inflicted as permanent, the imprisonment might be brought to an end in the event of any sufficient proof appearing of the criminal's amendment. But such proof could only be afforded if the imprisonment were so modified as to allow the prisoner a certain amount of liberty.

206. If punishment then is to be just, in the sense that in its infliction due account is taken of all rights, including the suspended rights of the criminal himself, it must be, so far as public safety allows, reformatory. It must tend to qualify the criminal for the resumption of rights. As reformatory, however, punishment has for its direct object the qualification for the exercise of rights, and is only concerned with the moralisation of the criminal indirectly so far as it may result from the exercise of rights. But even where it cannot be reformatory in this sense, and over and above its reformatory function in cases where it has one, it has a moral end. Just because punishment by the state has for its direct object the maintenance of rights, it has, like every other function of the state, indirectly a moral object, because true rights, according to our definition, are powers which it is for the general well-being that the individual (or association) should possess, and that well-being is essentially a moral well-being. Ultimately, therefore, the just punishment of crime is for the moral good of the community. It is also for the moral good of the criminal himself, unless—and this is a supposition which we ought not to make—he is beyond the reach of moral influences. Though not inflicted for that purpose, and though it would not the less have to be inflicted if no moral effect on the criminal could be discerned, it is morally the best thing that can happen to him. It is so, even if a true social necessity requires that he be punished with death. The fact that society is obliged so to deal with him affords the best chance of bringing home to him the anti-social nature of his act. It is true that the

last utterances of murderers generally convey the impression that they consider themselves interesting persons, quite sure of going to heaven; but these are probably conventional. At any rate if the solemn infliction of punishment on behalf of human society, and without any sign of vindictiveness, will not breed the shame which is the moral new birth, presumably nothing else within human reach will.

M. *THE RIGHT OF THE STATE TO PROMOTE MORALITY.*

207. The right of the individual man as such to free life is constantly gaining on its negative side more general recognition. It is the basis of the growing scrupulosity in regard to punishments which are not reformatory, which put rights finally out of the reach of a criminal instead of qualifying him for their renewed exercise. But the only rational foundation for the ascription of this right is the ascription of capacity for free contribution to social good. We treat this capacity in the man whose crime has given proof of its having been overcome by anti-social tendencies, as yet giving him a title to a further chance of its development; on the other hand, we act as if it conferred no title on its possessors, before a crime has been committed, to be placed under conditions in which its realisation would be possible. Is this reasonable? Yet are not all modern states so acting? Are they not allowing their ostensible members to grow up under conditions which render the development of social capacity practically impossible? Was it not more reasonable, as in the ancient states, to deny the right to life in the human subject as such, than to admit it under conditions which prevent the realisation of the capacity that forms the ground of its admission? This brings us to the fourth of the questions that arose [1] out of the assertion of the individual's right to free life. What is the nature and extent of the individual's claim to be enabled positively to realise that capacity for freely contributing to social good which is the foundation of his right to free life?

208. In dealing with this question, it is important to bear in mind that the capacity we are considering is essentially a free or (what is the same) a moral capacity. It is

[1] [Above, sec. 156.]

a capacity, not for action determined by relation to a certain end, but for action determined by a conception of the end to which it is relative. Only thus is it a foundation of rights. The action of an animal or plant may be made contributory to social good, but it is not therefore a foundation of rights on the part of an animal or plant, because they are not affected by the conception of the good to which they contribute. A right is a power of acting for his own ends,—for what he conceives to be his good,—secured to an individual by the community, on the supposition that its exercise contributes to the good of the community. But the exercise of such a power cannot be so contributory, unless the individual, in acting for his own ends, is at least affected by the conception of a good as common to himself with others. The condition of making the animal contributory to human good is that we do not leave him free to determine the exercise of his powers; that we determine them for him; that we use him merely as an instrument; and this means that we do not, because we cannot, endow him with rights. We cannot endow him with rights because there is no conception of a good common to him with us which we can treat as a motive to him to do to us as he would have us do to him. It is not indeed necessary to a capacity for rights, as it is to true moral goodness, that interest in a good conceived as common to himself with others should be a man's dominant motive. It is enough if that which he presents to himself from time to time as his good, and which accordingly determines his action, is so far affected by consideration of the position in which he stands to others,—of the way in which this or that possible action of his would affect them, and of what he would have to expect from them in return,—as to result habitually, without force or fear of force, in action not incompatible with conditions necessary to the pursuit of a common good on the part of others. In other words, it is the presumption that a man in his general course of conduct will of his own motion have respect to the common good, which entitles him to rights at the hands of the community. The question of the moral value of the motive which may induce this respect—whether an unselfish interest in common good or the wish for personal pleasure and fear of personal pain—does not come into the account at all. An agent, indeed, who could only be induced by fear of death or bodily

harm to behave conformably to the requirements of the community, would not be a subject of rights, because this influence could never be brought to bear on him so constantly, if he were free to regulate his own life, as to secure the public safety. But a man's desire for pleasure to himself and aversion from pain to himself, though dissociated from any desire for a higher object, for any object that is desired because good for others, may constitute a capacity for rights, if his imagination of pleasure and pain is so far affected by sympathy with the feeling of others about him as to make him, independently of force or fear of punishment, observant of established rights. In such a case the fear of punishment may be needed to neutralise anti-social impulses under circumstances of special temptation, but by itself it could never be a sufficiently uniform motive to qualify a man, in the absence of more spontaneously social feelings, for the life of a free citizen. The qualification for such a life is a spontaneous habit of acting with reference to a common good, whether that habit be founded on an imagination of pleasures and pains or on a conception of what ought to be. In either case the habit implies at least an understanding that there is such a thing as a common good, and a regulation of egoistic hopes and fears, if not an inducing of more 'disinterested' motives, in consequence of that understanding.

209. The capacity for rights, then, being a capacity for spontaneous action regulated by a conception of a common good, either so regulated through an interest which flows directly from that conception, or through hopes and fears which are affected by it through more complex channels of habit and association, is a capacity which cannot be generated —which on the contrary is neutralised—by any influences that interfere with the spontaneous action of social interests. Now any direct enforcement of the outward conduct, which ought to flow from social interests, by means of threatened penalties—and a law requiring such conduct necessarily implies penalties for disobedience to it—does interfere with the spontaneous action of those interests, and consequently checks the growth of the capacity which is the condition of the beneficial exercise of rights. For this reason the effectual action of the state, i.e. the community as acting through law, for the promotion of habits of true citizenship, seems neces-

sarily to be confined to the removal of obstacles. Under this head, however, there may and should be included much that most states have hitherto neglected, and much that at first sight may have the appearance of an enforcement of moral duties, e.g. the requirement that parents have their children taught the elementary arts. To educate one's children is no doubt a moral duty, and it is not one of those duties, like that of paying debts, of which the neglect directly interferes with the rights of someone else. It might seem, therefore, to be a duty with which positive law should have nothing to do, any more than with the duty of striving after a noble life. On the other hand, the neglect of it does tend to prevent the growth of the capacity for beneficially exercising rights on the part of those whose education is neglected, and it is on this account, not as a purely moral duty on the part of a parent, but as the prevention of a hindrance to the capacity for rights on the part of children, that education should be enforced by the state. It may be objected, indeed, that in enforcing it we are departing in regard to the parents from the principle above laid down; that we are interfering with the spontaneous action of social interests, though we are doing so with a view to promoting this spontaneous action in another generation. But the answer to this objection is, that a law of compulsory education, if the preferences, ecclesiastical or otherwise, of those parents who show any pratical sense of their responsibility are duly respected, is from the beginning only felt as compulsion by those in whom, so far as this social function is concerned, there is no spontaneity to be interfered with; and that in the second generation, though the law with its penal sanctions still continues, it is not felt as a law, as an enforcement of action by penalties, at all.

210. On the same principle the freedom of contract ought probably to be more restricted in certain directions than is at present the case. The freedom to do as they like on the part of one set of men may involve the ultimate disqualification of many others, or of a succeeding generation, for the exercise of rights. This applies most obviously to such kinds of contract or traffic as affect the health and housing of the people, the growth of population relatively to the means of subsistence, and the accumulation or distribution of landed property. In the hurry of removing those

restraints on free dealing between man and man, which have arisen partly perhaps from some confused idea of maintaining morality, but much more from the power of class-interests, we have been apt to take too narrow a view of the range of persons—not one generation merely, but succeeding generations—whose freedom ought to be taken into account, and of the conditions necessary to their freedom ('freedom' here meaning their qualification for the exercise of rights). Hence the massing of population without regard to conditions of health; unrestrained traffic in deleterious commodities; unlimited upgrowth of the class of hired labourers in particular industries which circumstances have suddenly stimulated, without any provision against the danger of an impoverished proletariate in following generations. Meanwhile, under pretence of allowing freedom of bequest and settlement, a system has grown up which prevents the landlords of each generation from being free either in the government of their families or in the disposal of their land, and aggravates the tendency to crowd into towns, as well as the difficulties of providing healthy house-room, by keeping land in a few hands. It would be out of place here to consider in detail the remedies for these evils, or to discuss the question how far it is well to trust to the initiative of the state or of individuals in dealing with them. It is enough to point out the directions in which the state may remove obstacles to the realisation of the capacity for beneficial exercise of rights, without defeating its own object by vitiating the spontaneous character of that capacity.

N. *THE RIGHT OF THE STATE IN REGARD TO PROPERTY.*

211. We have now considered the ground of the right to free life, and what is the justification, if any, for the apparent disregard of that right, (*a*) in war, (*b*) in the infliction of punishment. We have also dealt with the question of the general office of the state in regard to the development of that capacity in individuals which is the foundation of the right, pointing out on the one hand the necessary limitation of its office in this respect, on the other hand the directions in which it may remove obstacles to that development. We have next to consider the rationale of the rights of property.

In discussions on the 'origin of property' two questions are apt to be mixed up which, though connected, ought to be kept distinct. One is the question how men have come to appropriate; the other the question how the idea of right has come to be associated with their appropriations. As the term 'property' not only implies a permanent possession of something, or a possession which can only be given up with the good will of the possessor, but also a possession recognised as a right, an inquiry into the origin of property must involve both these questions, but it is not the less important that the distinction between them should be observed. Each of them again has both its analytical and its historical side. In regard to the first question it is important to learn all that can be learnt as to the kind of things that were first, and afterwards at successive periods, appropriated; as to the mode in which, and the sort of persons or societies by whom, they were appropriated. This is an historical inquiry. But it cannot take the place of a metaphysical or psychological analysis of the conditions on the part of the appropriating subject implied in the fact that he does such a thing as

appropriate. So, too, in regard to the second question, it is important to investigate historically the forms in which the right of men in their appropriations has been recognised; the parties, whether individuals or societies, to whom the right has been allowed; and the sort of objects, capable of appropriation, to which it has been considered to extend. But neither can these inquiries help us to understand, in the absence of a metaphysical or moral analysis, either what is implied in the ascription of a right to certain appropriations, or why there should be a right to them.

212. We have then two questions, as above stated, each requiring two different methods of treatment. But neither have the questions themselves, nor the different methods of dealing with them, been duly distinguished.

It is owing to confusion between them that the right of property in things has been supposed to originate in the first occupancy of them. This supposition, in truth, merely disguises the identical proposition that in order to property there must to begin with have been some appropriation. The truism that there could be no property in anything which had not been at some time and in some manner appropriated, tells us nothing as to how or why the property in it, as a right, came to be recognised, or why that right should be recognised. But owing to the confusion between the origin of appropriation and the origin of property as a right, an identical proposition as to the beginning of appropriation seemed to be an instructive statement as to the basis of the rights of property. Of late, in a revulsion from theories founded on identical propositions, 'historical' inquiries into the 'origin of property' have come into vogue. The right method of dealing with the question has been taken to lie in an investigation of the earliest forms in which property has existed. But such investigation, however valuable in itself, leaves untouched the questions, (1) what it is in the nature of men that makes it possible for them, and moves them, to appropriate; (2) why it is that they conceive of themselves and each other as having a right in their appropriations; (3) on what ground this conception is treated as a moral authority,—as one that should be acted on.

213. (1) Appropriation is an expression of will; of the individual's effort to give reality to a conception of his own

good; of his consciousness of a possible self-satisfaction as an object to be attained. It is different from mere provision to supply a future want. Such provision appears to be made by certain animals, e.g. ants. It can scarcely be made under the influence of the imagination of pain incidental to future want derived from previous experience, for the ant lays up for the winter though it has not previously lived through the winter. It may be suggested that it does so from inherited habit, but that this habit has originally arisen from an experience of pain on the part of ants in the past. Whether this is the true account of the matter we have not, I think, —perhaps from the nature of the case we cannot have—the means of deciding. We conceal our ignorance by saying that the ant acts instinctively, which is in effect a merely negative statement, that the ant is not moved to make provision for winter either by imagination of the pain which will be felt in winter if it does not, or by knowledge (conception of the fact) that such pain will be felt. In fact, we know nothing of the action of the ant from the inside, or as an expression of consciousness. If we are not entitled to deny dogmatically that it expresses consciousness at all, neither are we entitled to say that it does express consciousness, still less what consciousness it expresses. On the other hand we are able to interpret the acts of ourselves, and of those with whom we can communicate by means of signs to which we and they attach the same meaning, as expressions of consciousness of a certain kind, and thus by reflective analysis to assure ourselves that acts of appropriation in particular express a will of the kind stated; that they are not merely a passing employment of such materials as can be laid hands on to satisfy this or that want, present or future, felt or imagined, but reflect the consciousness of a subject which distinguishes itself from its wants; which presents itself to itself as still there and demanding satisfaction when this or that want, or any number of wants, have been satisfied; which thus not merely uses a thing to fill a want, and in so doing at once destroys the thing and for the time removes the want, but says to itself, 'This shall be mine to do as I like with, to satisfy my wants and express my emotions as they arise.'

214. One condition of the existence of property, then, is appropriation, and that implies the conception of himself on

the part of the appropriator as a permanent subject for whose use, as instruments of satisfaction and expression, he takes and fashions certain external things, certain things external to his bodily members. These things, so taken and fashioned, cease to be external as they were before. They become a sort of extension of the man's organs, the constant apparatus through which he gives reality to his ideas and wishes. But another condition must be fulfilled in order to constitute property, even of the most simple and primitive sort. This is the recognition by others of a man's appropriations as something which they will treat as his, not theirs, and the guarantee to him of his appropriations by means of that recognition. What then is the ground of the recognition? The writers of the seventeenth and eighteenth centuries, who discussed the basis of the rights of property, took it for granted, and in so doing begged the question. Grotius makes the right of property rest on contract, but clearly until there is a recognised 'meum' and 'tuum' there can be no contract. Contract presupposes property. The property in a particular thing may be derived from a contract through which it has been obtained in exchange for another thing or for some service rendered, but that implies that it was previously the property of another, and that the person obtaining it had a property in something else, if only in the labour of his hands, which he could exchange for it.[1] Hobbes is so far more logical that he does

[1] Grotius, *De Jure, etc.* Book II, chap. ii. § 5. 'Simul discimus quomodo res in proprietatem iverint . . . pacto quodam aut expresso, ut per divisionem, aut tacito, ut per occupationem: simul atque enim communio displicuit, nec instituta est divisio, censeri debet inter omnes convenisse ut, quod quisque occupasset, id proprium haberet.' But he supposes a previous process by which things had been appropriated (§ 4), owing to the necessity of spending labour on them in order to satisfy desire for a more refined kind of living than could be supplied by spontaneous products of the earth. 'Hinc discimus quæ fuerit causa, ob quam a primæva communione rerum primo mobilium, deinde et immobilium discessum est: nimirum quod non contenti homines vesci sponte natis, antra habitare . . . vitæ genus exquisitius delegissent, industria opus fuit, quam singuli rebus singulis adhiberent.' . . . The 'communio rerum,' thus departed from when labour came to be expended on things, Grotius had previously described (§ 1) as a state of things in which everyone had a right to whatever he could lay hands on. 'Erant omnia communia et indivisa omnibus, veluti unum cunctis patrimonium esset. Hinc factum ut statim quisque hominum ad suos usus arripere posset quod vellet, et quæ consumi poterant consumere, ac talis usus universalis juris erat tum vice proprietatis. Nam quod quisque sic arripuerat, id ei eripere alter nisi per injuriam non poterat.' Here then a virtual right of property, though not so called, seems to be supposed in two forms previous to the establishment of what Grotius calls the right of property by contract. There is (1) a right of property in what each can 'take to his use and consume' out of the

not derive property from contract, but treats property and 'the validity of covenants' as co-ordinately dependent on the existence of a sovereign power of compulsion.[1] But his account of this, as of all other forms of right, is open to the objection (before dwelt on) that if the sovereign power is merely a strongest force it cannot be a source of rights; and that if it is other than this, if it is a representative and maintainer of rights, its existence presupposes rights, which remain to be accounted for. As previously shown, Hobbes, while professing to make all rights dependent on the sovereign power, presupposes rights in his account of the institution of this power. The validity of contracts 'begins not but with its institution,' yet its own right is derived from an irrevocable contract of all with all in which each devolves his 'persona,' the body of his rights, upon it. Without pressing his particular forms of expression unfairly against him, it is clear that he could not really succeed in thinking of rights as derived simply from supreme force; that he could not associate the idea of absolute right with the sovereign without supposing prior rights which it was made the business of the sovereign to enforce, and in particular such a recognised distinction between 'meum' and 'tuum' as is necessary to a covenant. Nor when we have dropped Hobbes' notion of government or law-making power, as having originated in a covenant of all with all, shall we succeed any better in deriving rights of property, any more than other rights, from law or a sovereign which makes law, unless we regard the law or sovereign as the organ or sustainer of a

raw material supplied by nature; (2) a further right of each man in that on which he has expended labour. Grotius does not indeed expressly call this a right, but if there is a right, as he says there is, on the part of each man to that which he is able 'ad suos arripere usus,' much more must there be a right to that which he has not only taken but fashioned by his labour. On the nature and rationale of this right Grotius throws no light, but it is clearly presupposed by that right of property which he supposes to be derived from contract, and must be recognised before any such contract could be possible.

[1] 'There is annexed to the sovereignty the whole power of prescribing the rules whereby every man may know what goods he may enjoy and what actions he may do without being molested by any of his fellow-subjects: and this is it men call propriety. For before constitution of sovereign power all men had right to all things, which necessarily causeth war; and therefore this propriety, being necessary to peace, and depending on sovereign power, is the act of that power in order to the public peace.' (*Leviathan*, pt. II, chap. xviii.) 'The nature of justice consisteth in keeping of valid covenants, but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them; and then it is also that propriety begins.' (*Ibid.* chap. xv.)

general social recognition of certain powers, as powers which should be exercised.

215. Locke[1] treats property—fairly enough so long as only its simplest forms are in question—as derived from labour. By the same law of nature and reason by which a man has 'a property in his own person,' 'the labour of his body and the work of his hand are properly his' too. Now that the right to free life, which we have already dwelt on, carries with it a certain right to property, to a certain permanent apparatus beyond the bodily organs, for the maintenance and expression of that life, is quite true. But apart from the difficulty of tracing some kinds of property, in which men are in fact held to have a right, to the labour of anyone, even of someone from whom it has been derived by inheritance or bequest (a difficulty to be considered presently), to say that it is a 'law of nature and reason' that a man should have a property in the work of his hands is no more than saying that that on which a man has impressed his labour is recognised by others as something which should be his, just as he himself is recognised by them as one that should be his own master. The ground of the recognition is the same in both cases, and it is Locke's merit to have pointed this out; but what the ground is he does not consider, shelving the question by appealing to a law of nature and reason.

216. The ground of the right to free life, the reason why a man is secured in the free exercise of his powers through recognition of that exercise by others as something that should be, lay, as we saw, in the conception on the part of everyone who concedes the right to others and to whom it is conceded, of an identity of good for himself and others. It is only as within a society, as a relation between its members, though the society be that of all men, that there can be such a thing as a right; and the right to free life rests on the common will of the society, in the sense that each member of the society within which the right subsists contributes to satisfy the others in seeking to satisfy himself, and that each is aware that the other does so; whence there results a common interest in the free play of the powers of all. And just as the recognised interest of a society con-

[1] *Civil Government*, chap. v. The most important passages are quoted in Fox Bourne's *Life of Locke*, vol. ii. pp. 171 and 172.

stitutes for each member of it the right to free life, just as it makes each conceive of such life on the part of himself and his neighbour as what should be, and thus forms the basis of a restraining custom which secures it for each, so it constitutes the right to the instruments of such life, making each regard the possession of them by the other as for the common good, and thus through the medium first of custom, then of law, securing them to each.

217. Thus the doctrine that the foundation of the right of property lies in the will, that property is 'realised will,' is true enough if we attach a certain meaning to 'will'; if we understand by it, not the momentary spring of any and every spontaneous action, but a constant principle, operative in all men qualified for any form of society, however frequently overborne by passing impulses, in virtue of which each seeks to give reality to the conception of a well-being which he necessarily regards as common to himself with others. A will of this kind explains at once the effort to appropriate, and the restraint placed on each in his appropriations by a customary recognition of the interest which each has in the success of the like effort on the part of the other members of a society with which he shares a common well-being. This customary recognition, founded on a moral or rational will, requires indeed to be represented by some adequate force before it can result in a real maintenance of the rights of property. The wild beast in man will not otherwise yield obedience to the rational will. And from the operation of this compulsive force, very imperfectly controlled by the moral tendencies which need its co-operation,—in other words from the historical incidents of conquest and government,—there result many characteristics of the institution of property, as it actually exists, which cannot be derived from the spiritual principle which we have assigned as its foundation. Still, without that principle it could not have come into existence, nor would it have any moral justification at all.

218. It accords with the account given of this principle that the right of property, like every other form of right, should first appear within societies founded on kinship, these being naturally the societies within which the restraining conception of a common well-being is first operative. We are apt indeed to think of the state of things in which

the members of a family or clan hold land and stock in common, as the antithesis of one in which rights of property exist. In truth it is the earliest stage of their existence, because the most primitive form of society in which the fruit of his labour is secured to the individual by the society, under the influence of the conception of a common well-being. The characteristic of primitive communities is not the absence of distinction between 'meum' and 'tuum,' without which no society of intelligent as opposed to instinctive agents would be possible at all, but the common possession of certain materials, in particular land, on which labour may be expended. It is the same common interest which prevents the separate appropriation of these materials, and which secures the individual in the enjoyment and use of that which his labour can extract from them.

219. From the moral point of view, however, the clan-system is defective, because under it the restraint imposed upon the individual by his membership of a society is not, and has not the opportunity of becoming, a self-imposed restraint, a free obedience, to which, though the alternative course is left open to him, the individual submits, because he conceives it as his true good. The area within which he can shape his own circumstances is not sufficient to allow of the opposite possibilities of right and wrong being presented to him, and thus of his learning to love right for its own sake. And the other side of this moral tutelage of the individual, this withholding from him of the opportunity of being freely determined by recognition of his moral relations, is the confinement of those relations themselves, which under the clan-system have no actual existence except as between members of the same clan. A necessary condition at once of the growth of a free morality, i.e. a certain behaviour of men determined by an understanding of moral relations and by the value which they set on them as understood, and of the conception of those relations as relations between all men, is that free play should be given to every man's powers of appropriation. Moral freedom is not the same thing as a control over the outward circumstances and appliances of life. It is the end to which such control is a generally necessary means, and which gives it its value. In order to obtain this control, men must cease to be limited in their activities by the customs of the clan. The range of their appropriations

must be extended; they must include more of the permanent material on which labour may be expended, and not merely the passing products of labour spent on unappropriated material; and they must be at once secured and controlled in it by the good-will, by the sense of common interest, of a wider society, of a society to which any and every one may belong who will observe its conditions, and not merely those of a particular parentage; in other words by the law, written or unwritten, of a free state.

220. It is too long a business here to attempt an account of the process by which the organisation of rights in the state has superseded that of the clan, and at the same time the restriction of the powers of appropriation implied in the latter has been removed. It is important to observe, however, that this process has by no means contributed unmixedly to the end to which, from the moral point of view, it should have contributed. That end is at once the emancipation of the individual from all restrictions upon the free moral life, and his provision with means for it. But the actual result of the development of rights of property in Europe, as part of its general political development, has so far been a state of things in which all indeed *may* have property, but great numbers in fact cannot have it in that sense in which alone it is of value, viz. as a permanent apparatus for carrying out a plan of life, for expressing ideas of what is beautiful, or giving effect to benevolent wishes. In the eye of the law they have rights of appropriation, but in fact they have not the chance of providing means for a free moral life, of developing and giving reality or expression to a good will, an interest in social well-being. A man who possesses nothing but his powers of labour and who has to sell these to a capitalist for bare daily maintenance, might as well, in respect of the ethical purposes which the possession of property should serve, be denied rights of property altogether. Is the existence of so many men in this position, and the apparent liability of many more to be brought to it by a general fall of wages, if increase of population goes along with decrease in the productiveness of the earth, a necessary result of the emancipation of the individual and the free play given to powers of appropriation? or is it an evil incident, which may yet be remedied, of that historical process by which the development of the rights of

property has been brought about, but in which the agents have for the most part had no moral objects in view at all?

221. Let us first be clear about the points in which the conditions of property, as it actually exists, are at variance with property according to its idea or as it should be. The rationale of property, as we have seen, is that everyone should be secured by society in the power of getting and keeping the means of realising a will, which in possibility is a will directed to social good. Whether anyone's will is actually and positively so directed, does not affect his claim to the power. This power should be secured to the individual irrespectively of the use which he actually makes of it, so long as he does not use it in a way that interferes with the exercise of like power by another, on the ground that its uncontrolled exercise is the condition of attainment by man of that free morality which is his highest good. It is not then a valid objection to the manner in which property is possessed among us, that its holders constantly use it in a way demoralising to themselves and others, any more than such misuse of any other liberties is an objection to securing men in their possession. Only then is property held in a way inconsistent with its idea, and which should, if possible, be got rid of, when the possession of property by one man interferes with the possession of property by another; when one set of men are secured in the power of getting and keeping the means of realising their will, in such a way that others are practically denied the power. In that case it may truly be said that 'property is theft.' The rationale of property, in short, requires that everyone who will conform to the positive condition of possessing it, viz. labour, and the negative condition, viz. respect for it as possessed by others, should, so far as social arrangements can make him so, be a possessor of property himself, and of such property as will at least enable him to develope a sense of responsibility, as distinct from mere property in the immediate necessaries of life.

222. But then the question arises, whether the rationale of property, as thus stated, is not inconsistent with the unchecked freedom of appropriation, or freedom of appropriation checked only by the requirement that the thing appropriated shall not have previously been appropriated by another. Is the requirement that every honest man should

be a proprietor to the extent stated, compatible with any great inequalities of possession? In order to give effect to it, must we not remove those two great sources of the inequality of fortunes, (1) freedom of bequest, and the other arrangements by which the profits of the labour of several generations are accumulated on persons who do not labour at all; (2) freedom of trade, of buying in the cheapest market and selling in the dearest, by which accumulated profits of labour become suddenly multiplied in the hands of a particular proprietor? Now clearly, if an inequality of fortunes, of the kind which naturally arises from the admission of these two forms of freedom, necessarily results in the existence of a proletariate, practically excluded from such ownership as is needed to moralise a man, there would be a contradiction between our theory of the right of property and the actual consequence of admitting the right according to the theory; for the theory logically necessitates freedom both in trading and in the disposition of his property by the owner, so long as he does not interfere with the like freedom on the part of others; and in other ways as well its realisation implies inequality.

223. Once admit as the idea of property that nature should be progressively adapted to the service of man by a process in which each, while working freely or for himself, i.e. as determined by a conception of his own good, at the same time contributes to the social good, and it will follow that property must be unequal. If we leave a man free to realise the conception of a possible well-being, it is impossible to limit the effect upon him of his desire to provide for his future well-being, as including that of the persons in whom he is interested, or the success with which at the prompting of that desire he turns resources of nature to account. Considered as representing the conquest of nature by the effort of free and variously gifted individuals, property must be unequal; and no less must it be so if considered as a means by which individuals fulfil social functions. As we may learn from Aristotle, those functions are various and the means required for their fulfilment are various. The artist and man of letters require different equipment and apparatus from the tiller of land and the smith. Either then the various apparatus needed for various functions must be provided for individuals by society, which would

imply a complete regulation of life incompatible with that highest object of human attainment, a free morality; or we must trust for its provision to individual effort, which will imply inequality between the property of different persons.

224. The admission of freedom of trade follows from the same principle. It is a condition of the more complete adaptation of nature to the service of man by the free effort of individuals. 'To buy in the cheapest and sell in the dearest market' is a phrase which may no doubt be used to cover objectionable transactions, in which advantage is taken of the position of sellers who from circumstances are not properly free to make a bargain. It is so employed when the cheapness of buying arises from the presence of labourers who have no alternative but to work for 'starvation wages.' But in itself it merely describes transactions in which commodities are bought where they are of least use and sold where they are of most use. The trader who profits by the transaction is profiting by what is at the same time a contribution to social well-being.

In regard to the freedom which a man should be allowed in disposing of his property by will or gift, the question is not so simple. The same principle which forbids us to limit the degree to which a man may provide for his future, forbids us to limit the degree to which he may provide for his children, these being included in his forecast of his future. It follows that the amount which children may inherit may not rightly be limited; and in this way inequalities of property, and accumulations of it to which possessors have contributed nothing by their own labour, must arise. Of course the possessor of an estate, who has contributed nothing by his own labour to its acquisition, may yet by his labour contribute largely to the social good, and a well-organised state will in various ways elicit such labour from possessors of inherited wealth. Nor will it trust merely to encouraging the voluntary fulfilment of social functions, but will by taxation make sure of some positive return for the security which it gives to inherited wealth. But while the mere permission of inheritance, which seems implied in the permission to a man to provide unlimitedly for his future, will lead to accumulations of wealth, on the other hand, if the inheritance is to be equal among all children, and, failing children, is to pass to the next of kin, the accumulation will be checked. It is not

therefore the right of inheritance, but the right of bequest, that is most likely to lead to accumulation of wealth, and that has most seriously been questioned by those who hold that universal ownership is a condition of moral well-being. Is a proprietor to be allowed to dispose of his property as he likes among his children (or, if he has none, among others), making one very rich as compared with the others, or is he to be checked by a law requiring approximately equal inheritance?

225. As to this, consider that on the same principle on which we hold that a man should be allowed to accumulate as he best can for his children, he should have discretion in distributing among his children. He should be allowed to accumulate, because in so doing he at once expresses and developes the sense of family responsibility, which naturally breeds a recognition of duties in many other directions. But if the sense of family responsibility is to have free play, the man must have due control over his family, and this he can scarcely have if all his children as a matter of necessity inherit equally, however undutiful or idle or extravagant they may be. For this reason the true theory of property would seem to favour freedom of bequest, at any rate in regard to wealth generally. There may be special reasons, to be considered presently, for limiting it in regard to land. But as a general rule, the father of a family, if left to himself and not biassed by any special institutions of his country, is most likely to make that distribution among his children which is most for the public good. If family pride moves him to endow one son more largely than the rest, in order to maintain the honour of his name, family affection will keep this tendency within limits in the interest of the other children, unless the institutions of his country favour the one tendency as against the other. And this they will do if they maintain great dignities, e.g. peerages, of which the possession of large hereditary wealth is virtually the condition, and if they make it easy, when the other sons have been impoverished for the sake of endowing the eldest, to maintain the former at the public expense by means of appointments in the church or state.

It must be borne in mind, further, that the freedom of bequest which is to be justified on the above principles must not be one which limits that freedom in a subsequent

generation. It must therefore be distinguished from the power of settlement allowed by English law and constantly exercised in dealing with landed estate; for this power, as exercised by the landowning head of a family in one generation, prevents the succeeding head of the family from being free to make what disposition he thinks best among his children and ties up the succession to the estate to his eldest son. The practice of settlement in England, in short, as applied to landed estate, cancels the freedom of bequest in the case of most landowners and neutralises all the dispersive tendency of family affection, while it maintains in full force all the accumulative tendency of family pride. This, however, is no essential incident of a system in which the rights of individual ownership are fully developed, but just the contrary.

226. The question then remains, whether the full development of those rights, as including that of unlimited accumulation of wealth by the individual and of complete freedom of bequest on his part, necessarily carries with it the existence of a proletariate, nominal owners of their powers of labour, but in fact obliged to sell these on such terms that they are owners of nothing beyond what is necessary from day to day for the support of life, and may at any time lose even that, so that, as regards the moral functions of property, they may be held to be not proprietors at all; or whether the existence of such a class is due to causes only accidentally connected with the development of rights of individual property.

We must bear in mind (1) that the increased wealth of one man does not naturally mean the diminished wealth of another. We must not think of wealth as a given stock of commodities of which a larger share cannot fall to one without taking from the share that falls to another. The wealth of the world is constantly increasing in proportion as the constant production of new wealth by labour exceeds the constant consumption of what is already produced. There is no natural limit to its increase except such as arises from the fact that the supply of the food necessary to sustain labour becomes more difficult as more comes to be required owing to the increase in the number of labourers, and from the possible ultimate exhaustion of the raw materials of labour in the world. Therefore in the accumulation of wealth, so far as it arises from the saving by anyone of the products

of his labour, from his bequest of this capital to another who farther adds to it by saving some of the profit which the capital yields, as employed in the payment for labour or in trade either by the capitalist himself or someone to whom he lends it, and from the continuation of this process through generations, there is nothing which tends to lessen for anyone else the possibilities of ownership. On the contrary, supposing trade and labour to be free, wealth must be constantly distributed throughout the process in the shape of wages to labourers and of profits to those who mediate in the business of exchange.

227. It is true that the accumulation of capital naturally leads to the employment of large masses of hired labourers. But there is nothing in the nature of the case to keep these labourers in the condition of living from hand to mouth, to exclude them from that education of the sense of responsibility which depends on the possibility of permanent ownership. There is nothing in the fact that their labour is hired in great masses by great capitalists to prevent them from being on a small scale capitalists themselves. In their position they have not indeed the same stimulus to saving, or the same constant opening for the investment of savings, as a man who is *αὐτουργός*; but their combination in work gives them every opportunity, if they have the needful education and self-discipline, for forming societies for the investment of savings. In fact, as we know, in the well-paid industries of England the better sort of labourers do become capitalists, to the extent often of owning their houses and a good deal of furniture, of having an interest in stores, and of belonging to benefit-societies through which they make provision for the future. It is not then to the accumulation of capital, but to the condition, due to antecedent circumstances unconnected with that accumulation, of the men with whom the capitalist deals and whose labour he buys on the cheapest terms, that we must ascribe the multiplication in recent times of an impoverished and reckless proletariate.

228. It is difficult to summarise the influences to which is due the fact that in all the chief seats of population in Europe the labour-market is constantly thronged with men who are too badly reared and fed to be efficient labourers;

who for this reason, and from the competition for employment with each other, have to sell their labour very cheap; who have thus seldom the means to save, and whose standard of living and social expectation is so low that, if they have the opportunity of saving, they do not use it, and keep bringing children into the world at a rate which perpetuates the evil. It is certain, however, that these influences have no necessary connection with the maintenance of the right of individual property and consequent unlimited accumulation of capital, though they no doubt are connected with that régime of force and conquest by which existing governments have been established,—governments which do not indeed create the rights of individual property, any more than other rights, but which serve to maintain them. It must always be borne in mind that the appropriation of land by individuals has in most countries—probably in all where it approaches completeness—been originally effected, not by the expenditure of labour or the results of labour on the land, but by force. The original landlords have been conquerors.

229. This has affected the condition of the industrial classes in at least two ways: (1) When the application of accumulated capital to any work in the way of mining or manufacture has created a demand for labour, the supply has been forthcoming from men whose ancestors, if not themselves, were trained in habits of serfdom; men whose life has been one of virtually forced labour, relieved by church-charities or the poor law (which in part took the place of these charities); who were thus in no condition to contract freely for the sale of their labour, and had nothing of that sense of family-responsibility which might have made them insist on having the chance of saving. Landless countrymen, whose ancestors were serfs, are the parents of the proletariate of great towns. (2) Rights have been allowed to landlords, incompatible with the true principle on which rights of property rest, and tending to interfere with the development of the proprietorial capacity in others. The right to freedom in unlimited acquisition of wealth, by means of labour and by means of the saving and successful application of the results of labour, does not imply the right of anyone to do as he likes with those gifts of nature, without which there would be nothing to spend labour upon.

The earth is just as much an original natural material necessary to productive industry, as are air, light, and water, but while the latter from the nature of the case cannot be appropriated, the earth can be and has been. The only justification for this appropriation, as for any other, is that it contributes on the whole to social well-being; that the earth as appropriated by individuals under certain conditions becomes more serviceable to society as a whole, including those who are not proprietors of the soil, than if it were held in common. The justification disappears if these conditions are not observed; and from government having been chiefly in the hands of appropriators of the soil, they have not been duly observed. Landlords have been allowed to 'do what they would with their own,' as if land were merely like so much capital, admitting of indefinite extension. The capital gained by one is not taken from another, but one man cannot acquire more land without others having less; and though a growing reduction in the number of landlords is not necessarily a social evil, if it is compensated by the acquisition of other wealth on the part of those extruded from the soil, it is only not an evil if the landlord is prevented from so using his land as to make it unserviceable to the wants of men (e.g. by turning fertile land into a forest), and from taking liberties with it incompatible with the conditions of general freedom and health; e.g. by clearing out a village and leaving the people to pick up house-room as they can elsewhere (a practice common under the old poor-law, when the distinction between close and open villages grew up), or, on the other hand, by building houses in unhealthy places or of unhealthy structure, by stopping up means of communication, or forbidding the erection of dissenting chapels. In fact the restraints which the public interest requires to be placed on the use of land if individual property in it is to be allowed at all, have been pretty much ignored, while on the other hand, that full development of its resources, which individual ownership would naturally favour, has been interfered with by laws or customs which, in securing estates to certain families, have taken away the interest, and tied the hands, of the nominal owner—the tenant for life—in making the most of his property.

230. Thus the whole history of the ownership of land in Europe has been of a kind to lead to the agglomeration

of a proletariate, neither holding nor seeking property, wherever a sudden demand has arisen for labour in mines or manufactures. This at any rate was the case down to the epoch of the French Revolution; and this, which brought to other countries deliverance from feudalism, left England, where feudalism had previously passed into unrestrained landlordism, almost untouched. And while those influences of feudalism and landlordism which tend to throw a shiftless population upon the centres of industry have been left unchecked, nothing till quite lately was done to give such a population a chance of bettering itself, when it had been brought together. Their health, housing, and schooling were unprovided for. They were left to be freely victimised by deleterious employments, foul air, and consequent craving for deleterious drinks. When we consider all this, we shall see the unfairness of laying on capitalism or the free development of individual wealth the blame which is really due to the arbitrary and violent manner in which rights over land have been acquired and exercised, and to the failure of the state to fulfil those functions which under a system of unlimited private ownership are necessary to maintain the conditions of a free life.

231. Whether, when those functions have been more fully recognised and executed, and when the needful control has been established in the public interest over the liberties which landlords may take in the use of their land, it would still be advisable to limit the right of bequest in regard to land, and establish a system of something like equal inheritance, is a question which cannot be answered on any absolute principle. It depends on circumstances. Probably the question should be answered differently in a country like France or Ireland, where the most important industries are connected directly with the soil, and in one like England where they are not so. The reasons must be cogent which could justify that interference with the control of the parent over his family, which seems to be implied in the limitation of the power of bequeathing land when the parent's wealth lies solely in land, and which arises, be it remembered, in a still more mischievous way from the present English practice of settling estates. But it is important to bear in mind that the question in regard to land stands on a different footing from that in regard to wealth generally, owing to the fact that

land is a particular commodity limited in extent, from which alone can be derived the materials necessary to any industry whatever, on which men must find house-room if they are to find it at all, and over which they must pass in communicating with each other, however much water or even air may be used for that purpose. These are indeed not reasons for preventing private property in land or even free bequest of land, but they necessitate a special control over the exercise of rights of property in land, and it remains to be seen whether that control can be sufficiently established in a country where the power of great estates has not first been broken, as in France, by a law of equal inheritance.

232. To the proposal that 'unearned increment' in the value of the soil, as distinct from value produced by expenditure of labour and capital, should be appropriated by the state, though fair enough in itself, the great objection is that the relation between earned and unearned increment is so complicated, that a system of appropriating the latter to the state could scarcely be established without lessening the stimulus to the individual to make the most of the land, and thus ultimately lessening its serviceableness to society.

O. *THE RIGHT OF THE STATE IN REGARD TO THE FAMILY.*

233. In the consideration of those rights which do not arise out of the existence of the state, but which are antecedent to it (though of course implying society in some form), and which it is its office to enforce, we now come to family or household rights—also called, though not very distinctively, rights in private relations—of which the most important are the reciprocal rights of husband and wife, parent and child. The distinctive thing about these is that they are not merely rights of one person as against all or some other persons over some thing, or to the performance of or abstention from some action; they are rights of one person as against all other persons to require or prevent a certain behaviour on the part of another. Right to free life is a right on the part of any and every person to claim from all other persons that course of action or forbearance which is necessary to his free life. It is a right against all the world, but not a right over any particular thing or person. A right of property, on the other hand, is a right against all the world, and also over a particular thing; a right to claim from any and every one certain actions and forbearances in respect of a particular thing (hence called 'jus in rem'). A right arising from contract, unlike the right of property or the right of free life, is not a right as against all the world, but a right as against a particular person or persons contracted with to claim a certain performance or forbearance. It may or may not be a right over a particular thing, but as it is not necessarily so, while it is a right against a particular person or persons in distinction from all the world, it is called 'jus in personam' as distinct from 'in rem.' The right of husband over wife and that of parent over children (or *vice versa*) differs from

the right arising out of contract, inasmuch as it is not merely a right against the particular person contracted with, but a right against all the world. In this respect it corresponds to the right of property; but differs again from this, since it is not a right over a thing but over a person. It is a right to claim certain acts or forbearances from all other persons in respect of a particular person: or (more precisely) to claim a certain behaviour from a certain person, and at the same time to exclude all others from claiming it. Just because this kind of right is a right over a person, it is always reciprocal as between the person exercising it and the person over whom it is exercised. All rights are reciprocal as between the person exercising them and the person against whom they are exercised. My claim to the right of free life implies a like claim upon me on the part of those from whom I claim acts and forbearances necessary to my free life. My claim upon others in respect of the right of property, or upon a particular person in respect of an action which he has contracted to perform, implies the recognition of a corresponding claim upon me on the part of all persons or the particular party to the contract. But the right of a husband in regard to his wife not merely implies that all those as against whom he claims the right have a like claim against him, but that the wife over whom he asserts the right has a right, though not a precisely like right, over him. The same applies to the right of a father over a son, and of a master over a servant.

234. A German would express the peculiarity of the rights now under consideration by saying that, not only are persons the subjects of them, but persons are the objects of them. By the 'subject' of rights he would mean the person exercising them or to whom they belong; by 'object' that in respect of which the rights are exercised. The piece of land or goods which I own is the 'object' of the right of property, the particular action which one person contracts to perform for another is the 'object' of a right of contract; and in like manner the person from whom I have a right to claim certain behaviour, which excludes any right on the part of anyone else to claim such behaviour from him or her, is the 'object' of the right. But English writers commonly call that the subject of a right which the Germans would call the object. By the subject of a right of property they would not mean

the person to whom the right belongs, but the thing over which, or in respect of which, the right exists. And in like manner, when a right is exercised over, or in respect of a person, such as a wife or a child, they would call that person, and not the person exercising the right, the subject of it. By the object of a right, on the other hand, they mean the action or forbearance which someone has a right to claim. The object of a right arising out of contract would be the action which the person contracting agrees to perform. The object of a connubial right would not be, as according to German usage, the person in regard to, or over, whom the right is exercised—that person would be the subject of the right—but either the behaviour which the person possessing the right is entitled to claim from that person, or the forbearances in respect to that person, which he is entitled to claim from others. (Austin, I. 378 and II. 736.) Either usage is justifiable in itself. The only matter of importance is not to confuse them. There is a convenience in expressing the peculiarity of family rights by saying, according to the sense of the terms adopted by German writers, that not only are persons subjects of them but persons are objects of them. It is in this sense that I shall use these terms, if at all.

235. So much for the peculiarity of family rights, as distinct from other rights. The distinction is not merely a formal one. From the fact that these rights have persons for their objects, there follow important results, as will appear, in regard to the true nature of the right, to the manner in which it should be exercised. The analytical, as distinct from the historical, questions which have to be raised with reference to family rights correspond to those raised with reference to rights of property. As we asked what in the nature of man made appropriation possible for him, so now we ask (1) what it is in the nature of man that makes him capable of family life. As we asked next how appropriations came to be so sanctioned by social recognition as to give rise to rights of property, so now we have to ask (2) how certain powers exercised by a man, certain exemptions which he enjoys from the interference of others, in his family life, come to be recognised as rights. And as we inquired further how far the actual institutions of property correspond with the idea of property as a right which for social good should be exercised, so now we have to inquire (3) into the proper

adjustment of family rights, as determined by their idea; in what form these rights should be maintained; bearing in mind (*a*) that, like all rights, their value depends on their being conditions of which the general observance is necessary to a free morality, and (*b*) their distinctive character as rights of which, in the sense explained, persons are the objects.

236. (1) We saw that appropriation of that kind which, when secured by a social power, becomes property, supposes an effort on the part of the individual to give reality to a conception of his own good, as a whole or as something permanent, in distinction from the mere effort to satisfy a want as it arises. The formation of family life supposes a like effort, but it also supposes that in the conception of his own good to which a man seeks to give reality there is included a conception of the well-being of others, connected with him by sexual relations or by relations which arise out of these. He must conceive of the well-being of these others as a permanent object bound up with his own, and the interest in it as thus conceived must be a motive to him over and above any succession of passing desires to obtain pleasure from, or give pleasure to, the others; otherwise there would be nothing to lead to the establishment of a household, in which the wants of the wife or wives are permanently provided for, in the management of which a more or less definite share is given to them (more definite, indeed, as approach is made to a monogamistic system, but not wholly absent anywhere where the wife is distinguished from the female), and upon which the children have a recognised claim for shelter and sustenance.

237. No doubt family life as we know it is an institution of gradual growth. It may be found in forms where it is easy to ignore the distinction between it and the life of beasts. It is possible that the human beings with whom it first began—beings 'human' because capable of it—may have been 'descended' from animals not capable of it, i.e. they may have been connected with such animals by certain processes of generation. But this makes no difference in the nature of the capacity itself, which is determined not by a past history but by its results, its functions, that of which it is a capacity. As the foundation of any family life, in the form in which we know it, implies that upon the mere sexual impulse there

has supervened on the part of the man a permanent interest in a woman as a person with whom his own well-being is united, and a consequent interest in the children born of her, so in regard to every less perfect form out of which we can be entitled to say that the family life, as we know it, has developed, we must be also entitled to say that it expresses some interest which is in principle identical with that described, however incompletely it has emerged from lower influences.

238. (2) Such an interest being the basis of family relations, it is quite intelligible that everyone actuated by the interest should recognise, and be recognised by, everyone else to whom he ascribes an interest like his own, as entitled to behave towards the objects of the interest—towards his wife and children—in a manner from which everyone else is excluded; that there should thus come to be rights in family relations to a certain privacy in dealing with them; rights to deal with them as his alone and not another's; claims, ratified by the general sense of their admission being for the common good, to exercise certain powers and demand certain forbearances from others, in regard to wife and children. It is only indeed at an advanced stage of reflection that men learn to ascribe to other men, simply as men, the interests which they experience themselves; and hence it is at first only within narrow societies that men secure to each other the due privileges and privacies of family life. In others of the same kin or tribe they can habitually imagine an interest like that of which each feels his own family life to be the expression, and hence in them they spontaneously respect family rights; but they cannot thus practically think themselves into the position of a stranger, and hence towards him they do not observe the same restraints. They do not regard the women of another nation as sacred to the husbands and families of that nation. But that power of making another's good one's own, which in the more intense and individualised form is the basis of family relations, must always at the same time exist in that more diffused form in which it serves as the basis of a society held together by the recognition of a common good. Wherever, therefore, the family relations exist, there is sure to exist also a wider society which by its authority gives to the powers exercised in those relations the character of rights. By what process

the relations of husband and wife and the institution of the household may have come to be formed among descendants of a single pair, it is impossible to conceive or to discover, but in fact we find no trace in primitive history of households except as constituents of a clan recognising a common origin; and it is by the customs of the clan, founded on the conception of a common good, that those forbearances on the part of members of one household in dealing with another, which are necessary to the privacy of the several households, are secured.

239. The history of the development of family life is the history of the process (*a*) by which family rights have come to be regarded as independent of the special custom of a clan and the special laws of a state, as rights which all men and women, as such, are entitled to. This, however, characterises the history of all rights alike. It is a history farther (*b*) of the process by which the true nature of these rights has come to be recognised, as rights over persons; rights of which persons are the objects, and which therefore imply reciprocal claims on the part of those over whom they are exercised and of those who exercise them. The establishment of monogamy, the abolition of 'patria potestas' in its various forms, the 'emancipation of women' (in the proper sense of the phrase), are involved in these two processes. The principles (1) that all men and all women are entitled to marry and form households, (2) that within the household the claims of the husband and wife are throughout reciprocal, cannot be realised without carrying with them not merely monogamy, but the removal of those faulty relations between men and women which survive in countries where monogamy is established by law.

240. Under a system of polygamy, just so far as it is carried out, there must be men who are debarred from marrying. It can only exist, indeed, alongside of a slavery, which excludes masses of men from the right of forming a family. Nor does the wife, under a polygamous system, though she ostensibly marries, form a household, or become the co-ordinate head of a family, at all. The husband alone is head of the family and has authority over the children. The wife, indeed, who for the time is the favourite, may practically share the authority, but even she has no equal and assured position. The 'consortium omnis vitæ,' the 'individua vitæ consuetudo,' which

according to the definition in the Digest is an essential element in marriage, is not hers.[1]

And further as the polygamous husband requires a self-restraint from his wife which he does not put on himself, he is treating her unequally. He demands a continence from her which, unless she is kept in the confinement of slavery, can only rest on the attachment of a person to a person and on a personal sense of duty, and at the same time is practically ignoring the demand, which this personal attachment on her part necessarily carries with it, that he should keep himself for her as she keeps herself for him. The recognition of children as having claims upon their parents reciprocal to those of the parents over them, equally involves the condemnation of polygamy. For these claims can only be duly satisfied, the responsibilities of father and mother towards the children (potentially persons) whom they have brought into the world can only be fulfilled, if father and mother jointly take part in the education of the children; if the children learn to love and obey father and mother as one authority. But if there is no permanent 'consortium vitæ' of one husband with one wife, this joint authority over the children becomes impossible. The child, when its physical dependence on the mother is over, ceases to stand in any special relation to her. She has no recognised duties to him, or he to her. These lie between him and his father only, and just because the father's interests are divided between the children of many wives, and because these render their filial offices to the father separately, not to father and mother jointly, the true domestic training is lost.

241. Monogamy, however, may be established, and an advance so far made towards the establishment of a due reciprocity between husband and wife, as well as towards a fulfilment of the responsibilities incurred in bringing children into the world, while yet the true claims of men in respect of women, and of women in respect of men, and of children upon their parents, are far from being generally realised. Wherever slavery exists alongside of monogamy, on the one side people of the slave class are prevented from

[1] 'Nuptiæ sunt conjunctio maris et feminæ, consortium omnis vitæ, divini et humani juris communicatio.' *Digest*, xxiii. 2, 1. 'Matrimonium est viri et mulieris conjunctio individuam vitæ consuetudinem continens.' *Inst.*, i. 9 2. (Quoted by Trendelenburg, *Naturrecht*, p. 282.)

forming family ties, and on the other those people who are privileged to marry, though they are confined to one wife, are constantly tempted to be false to the true monogamistic idea by the opportunity of using women as chattels to minister to their pleasures. The wife is thus no more than an institution, invested with certain dignities and privileges, for the continuation of the family; a continuation, which under pagan religions is considered necessary for the maintenance of certain ceremonies, and to which among ourselves an importance is attached wholly unconnected with the personal affection of the man for the wife.[1] When slavery is abolished, and the title of all men and women equally to form families is established by law, the conception of the position of the wife necessarily rises. The *ἑταίρα* and *παλλακή* cease at any rate to be recognised accompaniments of married life, and the claim of the wife upon the husband's fidelity, as reciprocal to his claim upon hers, becomes established by law.

242. Thus that marriage should only be lawful with one wife, that it should be for life, that it should be terminable by the infidelity of either husband or wife, are rules of right; not of morality, as such, but of right. Without such rules the rights of the married persons are not maintained. Those outward conditions of family life would not be secured to them, which are necessary on the whole for the development of a free morality. Polygamy is a violation of the rights, (1) of those who through it are indirectly excluded from regular marriage, and thus from the moral education which results from this; (2) of the wife, who is morally lowered by exclusion from her proper position in the household and by being used, more or less, as the mere instrument of the husband's pleasure; (3) of the children, who lose the chance of that full moral training which depends on the connected action of father and mother. The terminability of marriage at the pleasure of one of the parties to it (of its terminability at the desire of both we will speak presently) is a violation of the rights at any rate of the unconsenting party, on the grounds (*a*) that liability to it tends to prevent marriage

[1] Her position among the Greeks is well illustrated by a passage from the speech of Demosthenes (?) against Neæra, § 122 (quoted by W. E. Hearn, *The Aryan Household*, p. 71), *τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν.*

from becoming that 'individua vitæ consuetudo' which gives it its moral value, and (*b*) that, when the marriage is dissolved, the woman, just in proportion to her capacity for self-devotion and the degree to which she has devoted herself to her original husband, is debarred from forming that 'individua vitæ consuetudo' again, and thus crippled in her moral possibilities. It is a violation of the rights of children for the same reason for which polygamy is so.

On the other hand, that the wife should be bound indissolubly by the marriage-tie to an unfaithful husband (or *vice versa*), is a violation of the right of wife (or husband, as the case may be), because on the one hand the restraint which makes her liable to be used physically as the instrument of the husband's pleasures, when there is no longer reciprocal devotion between them, is a restraint which (except in peculiar cases) renders moral elevation impossible; and on the other, she is prevented from forming such a true marriage as would be, according to ordinary rules, the condition of the realisation of her moral capacities. Though the husband's right to divorce from an unfaithful wife has been much more thoroughly recognised than the wife's to divorce from an unfaithful husband, he would be in fact less seriously wronged by the inability to obtain a divorce, for it is only the second of the grounds just stated that fully applies to him. The rights of the children do not seem so plainly concerned in the dissolution of a marriage to which husband or wife has been unfaithful. In some cases the best chance for them might seem to lie in the infidelities being condoned and an outward family peace re-established. But that their rights are violated by the infidelity itself is plain. In the most definite way it detracts from their possibilities of goodness. Without any consent on their part, quite independently of any action of their own will, they are placed by it in a position which tends—though special grace may counteract it—to put the higher kinds of goodness beyond their reach.

243. These considerations suggest some further questions which may be discussed under the following heads. (1) If infidelity in marriage is a violation of rights in the manner stated, and if (as it must be) it is a wilful and knowing violation, why is it not treated as a crime, and, like other such violations of rights, punished by the state in order to

the better maintenance of rights? (2) Should any other reason but the infidelity of husband or wife be allowed for the legal dissolution of the marriage-tie? (3) How are the rights connected with marriage related to the morality of marriage?

(1) There is good reason why the state should not take upon itself to institute charges of adultery, but leave them to be instituted by the individuals whose rights the adultery violates. The reasons ordinarily alleged would be, (*a*) the analogy of ordinary breaches of contract, against which the state leaves it to the individual injured to set the law in motion; (*b*) the practical impossibility of preventing adultery through the action of the functionaries of the state. The analogy, however, from ordinary breaches of contract does not really hold. In the first place, though marriage involves contract, though without contract there can be no marriage, yet marriage at once gives rise to rights and obligations of a kind which cannot arise out of contract, in particular to obligations towards the children born of the marriage. These children, at any rate, are in no condition to seek redress—even if from the nature of the case redress could be had—for the injuries inflicted on them by a parent's adultery, as a person injured by a breach of contract can seek redress for it. Again, though the state leaves it to the individual injured by a breach of contract to institute proceedings for redress, if the breach involves fraud, it, at any rate in certain cases, treats the fraud as a crime and punishes. Now in every breach of the marriage-contract by adultery there is that which answers to fraud in the case of ordinary breach of contract. The marriage-contract is broken knowingly and intentionally. If there were no reason to the contrary, then, it would seem that the state, though it might leave to the injured individuals the institution of proceedings against adultery, should yet treat adultery as a crime and seek to prevent it by punishment in the interest of those whose virtual rights are violated by it, though not in the way of breach of contract. But there are reasons to the contrary—reasons that arise out of the moral purposes served by the marriage-tie—which make it desirable both that it should be at the discretion of the directly injured party whether a case of adultery should be judicially dealt with at all, and that in no case should penal terror be

associated with such a violation of the marriage-bond. Under ordinary conditions, it is a public injury that a violation of his rights should be condoned by the person suffering it. If the injured individual were likely to fail in the institution of proceedings for his own redress or defence, the public interest would require that the matter should be taken out of his hands. But if an injured wife or husband is willing to condone a breach of his or her rights through adultery, it is generally best that it should be condoned. That married life should be continued in spite of anything like dissoluteness on the part of husband or wife, is no doubt undesirable. The moral purposes which married life should serve cannot be served, either for the married persons themselves or for the children, under such conditions. On the other hand, the condonation of a single offence would generally be better for all concerned than an application for divorce. The line cannot be drawn at which, with a view to the higher ends which marriage should serve, divorce becomes desirable. It is therefore best that the state, while uniformly allowing the right of divorce where the marriage-bond has been broken by adultery (since otherwise the right of everyone to form a true marriage, a marriage which shall be the basis of family life, is neutralised,) and taking care that procedure for divorce be cheap and easy, should leave the enforcement of the right to the discretion of individuals.

244. On similar grounds, it is undesirable that adultery as such should be treated as a crime, that penal terror should be associated with it. Though rights, in the strict sense, undoubtedly arise out of marriage, though marriage has thus its strictly legal aspect, it is undesirable that this legal aspect should become prominent. It may suffer in respect of its higher moral purposes, if the element of force appears too strongly in the maintenance of the rights to which it gives rise. If a husband who would otherwise be false to the marriage-bond is kept outwardly faithful to it by fear of the punishment which might attend its breach, the right of the wife and children is indeed so far protected, but is anything gained for those moral ends, for the sake of which the maintenance of these rights is alone of value? The man in whom disloyal passion is neutralised by fear of punishment will contribute little in his family life to the moral development of himself, his wife, or his children. If he cannot be kept

true by family affection and sympathy with the social disapprobation attaching to matrimonial infidelity (and unless it is a matter of social disapprobation no penalties will be effectually enforced against it), he will not be kept true in a way that is of any value to those concerned by fear of penalties. In other words, the rights that arise out of marriage are not of a kind which can in their essence be protected by associating penal terror with their violation, as the rights of life and property can be. They are not rights to claim mere forbearances or to claim the performance of certain outward actions, by which a right is satisfied irrespectively of the disposition with which the act is done. They are claims which cannot be met without a certain disposition on the part of the person upon whom the claim rests, and that disposition cannot be enforced. The attempt to enforce the outward behaviour in order to satisfy the claim, which is a claim not to the outward behaviour merely but to this in connection with a certain disposition, defeats its own end.

245. For the protection, therefore, of the rights of married persons and their children against infidelity, it does not appear that the law can do more than secure facilities of divorce in the case of adultery. This indeed is not in itself a protection against the wrong involved in adultery, but rather a deliverance from the further wrong to the injured husband or wife and to the children that would be involved in the continuance of any legal claim over them on the part of the injurer. But indirectly it helps to prevent the wrong being done by bringing social disapprobation to bear on cases of infidelity, and thus helping to keep married persons faithful through sympathy with the disapprobation of which they feel that they would be the objects when they imagine themselves unfaithful. The only other effectual way in which the state can guard against the injuries in question is by requiring great precaution and solemnity in the contraction of marriages. This it can do by insisting on the consent of parents to the marriage of all minors, exacting a long notice (perhaps even a preliminary notice of betrothal), and, while not preventing civil marriage, by encouraging the celebration of marriage in the presence of religious congregations and with religious rites.

246. Question (2) is one that does not admit of being answered on any absolute principle We must bear in mind

that all rights—in idea or as they should be—are relative to moral ends. The ground for securing to individuals in respect of the marriage-tie certain powers as rights, is that in a general way they are necessary to the possibility of a morally good life, either directly to the persons exercising them or to their children. The more completely marriage is a 'consortium omnis vitæ' in the sense of a unity in all interests and for the whole of a lifetime, the more likely are the external conditions of a moral life to be fulfilled in regard both to married persons and their children. Therefore the general rule of the state in dealing with marriage should be to secure such powers as are favourable and withhold such as are not favourable to the 'consortium omnis vitæ.' But in the application of the principle great difficulties arise. Lunacy may clearly render the 'consortium omnis vitæ' finally impossible; but what kind and degree of lunacy? If the lunatic may possibly recover, though there is undoubtedly reason for the separation from husband or wife during lunacy, should permanent divorce be allowed? If it is allowed, and the lunatic recovers, a wrong will have been done both to him and to the children previously born of the marriage. On the other hand, to reserve the connubial rights of a lunatic of whose recovery there is hope, and to restore them when he recovers, may involve the wrong of bringing further children into the world with the taint of lunacy upon them. Is cruelty to be a ground of divorce, and if so, what amount? There is a degree of persistent cruelty which renders 'consortium omnis vitæ' impossible, but unless it is certain that cruelty has reached the point at which a restoration of any sort of family life becomes impossible, a greater wrong both to wife and children may be involved in allowing divorce than in refusing it. A husband impatient for the time of the restraint of marriage may be tempted to passing cruelty as a means of ridding himself of it, while if no such escape were open to him he might get the better of the temporary disturbing passion and settle down into a decent husband. The same consideration applies still more strongly to allowing incompatibility of temper as a ground of divorce. It would be hard to deny that it might be of a degree and kind in which it so destroyed the possibility of 'consortium omnis vitæ,' that, with a view to the interests of the children, who ought in such a case to be chiefly considered, divorce implied less wrong

than the maintenance of the marriage-tie. But on the other hand, to hold out the possibility of divorce on the ground of incompatibility is just the way to generate that incompatibility. On the whole, the only conclusion seems to be that this last ground should not be allowed, and that in deciding on other grounds large discretion should be allowed to a well-constituted court.

P. *RIGHTS AND VIRTUES.*

247. We have now considered in a perfunctory way those rights which are antecedent to the state, which are not derived from it but may exist where a state is not, and which it is the office of the state to maintain. We have inquired what it is in the nature of man that renders him capable of these rights, what are the moral ends to which the rights are relative, and in what form the rights should be realised in order to the attainment of these ends. In order to make the inquiry into rights complete, we ought to go on to examine in the same way the rights which arise out of the establishment of a state, the rights connected with the several functions of government; how these functions come to be necessary, and how they may best be fulfilled with a view to those moral ends to which the functions of the state are ultimately relative. According to my project, I should then have proceeded to consider the social virtues, and the 'moral sentiments' which underlie our particular judgments as to what is good and evil in conduct. All virtues are really social; or, more properly, the distinction between social and self-regarding virtues is a false one. Every virtue is self-regarding in the sense that it is a disposition, or habit of will, directed to an end which the man presents to himself as his good; every virtue is social in the sense that unless the good to which the will is directed is one in which the well-being of society in some form or other is involved, the will is not virtuous at all.

248. The virtues are dispositions to exercise positively, in some way contributory to social good, those powers which, because admitting of being so exercised, society should secure to him; the powers which a man has a right to possess, which constitute his rights. It is therefore con-

venient to arrange the virtues according to the division of rights. E.g. in regard to the right of all men to free life, the obligations, strictly so called, correlative to that right having been considered (obligations which are all of a negative nature, obligations to forbear from meddling with one's neighbour), we should proceed to consider the activities by which a society of men really free is established, or by which some approach is made to its establishment ('really free,' in the sense of being enabled to make the most of their capabilities). These activities will take different forms under different social conditions, but in rough outline they are those by which men in mutual helpfulness conquer and adapt nature, and overcome the influences which would make them victims of chance and accident, of brute force and animal passion. The virtuous disposition displayed in these activities may have various names applied to it according to the particular direction in which it is exerted; 'industry,' 'courage,' 'public spirit.' A particular aspect of it was brought into relief among the Greeks under the name of *ἀνδρεία*. The Greek philosophers already gave an extension to the meaning of this term beyond that which belonged to it in popular usage, and we might be tempted further to extend it so as to cover all the forms in which the habit of will necessary to the maintenance and furtherance of free society shows itself. The name, however, does not much matter. It is enough that there are specific modes of human activity which contribute directly to maintain a shelter for man's worthier energies against disturbance by natural forces and by the consequences of human fear and lust. The state of mind which appears in them may properly be treated as a special kind of virtue. It is true that the principle and the end of all virtues is the same. They are all determined by relation to social well-being as their final cause, and they all rest on a dominant interest in some form or other of that well-being; but as that interest may take different directions in different persons, as it cannot be equally developed at once in everyone, it may be said roughly that a man has one kind of virtue and not others.

249. As the kind of moral duties (in distinction from those obligations which are correlative to rights) which relate to the maintenance of free society and the disposition to fulfil those duties should form a special object of inquiry,

so another special kind would be those which have to do with the management of property, with the acquisition and expenditure of wealth. To respect the rights of property in others, to fulfil the obligations correlative to those rights, is one thing; to make a good use of property, to be justly generous and generously just in giving and receiving, is another, and that may properly be treated as a special kind of virtue which appears in the duly blended prudence, equity, and generosity of the ideal man of business. Another special kind will be that which appears in family relations; where indeed that merely negative observance of right, which in other relations can be distinguished from the positive fulfilment of moral duties, becomes unmeaning. As we have seen, there are certain aggravations and perpetuations of wrong from which husband or wife or children can be protected by law, but the fulfilment of the claims which arise out of the marriage-tie requires a virtuous will in the active and positive sense—a will governed by unselfish interests—on the part of those concerned.

250. What is called 'moral sentiment' is merely a weaker form of that interest in social well-being which, when wrought into a man's habits and strong enough to determine action, we call virtue. So far as this interest is brought into play on the mere survey of action, and serves merely to determine an approbation or disapprobation, it is called moral sentiment. The forms of moral sentiment accordingly should be classified on some principle as forms of virtue, i.e. with relation to the social functions to which they correspond.

251. For the convenience of analysis, we may treat the obligations correlative to rights, obligations which it is the proper office of law to enforce, apart from moral duties and from the virtues which are tendencies to fulfil those duties. I am properly *obliged* to those actions and forbearances which are necessary to the general freedom, necessary if each is not to interfere with the realisation of another's will. My *duty* is to be interested positively in my neighbour's well-being. And it is important to understand that, while the enforcement of obligations is possible, that of moral duties is impossible. But the establishment of obligations by law or authoritative custom, and the gradual recognition of moral duties, have not been separate processes.

They have gone on together in the history of man. The growth of the institutions by which more complete equality of rights is gradually secured to a wider range of persons, and of those interests in various forms of social well-being by which the will is moralised, have been related to each other as the outer and inner side of the same spiritual development, though at a certain stage of reflection it comes to be discovered that the agency of force, by which the rights are maintained, is ineffectual for eliciting the moral interests. The result of the twofold process has been the creation of the actual content of morality; the articulation of the indefinite consciousness that there is something that should be—a true well-being to be aimed at other than any pleasure or succession of pleasures—into the sentiments and interests which form an 'enlightened conscience.' It is thus that when the highest stage of reflective morality is reached, and upon interests in this or that mode of social good there supervenes an interest in an ideal of goodness, that ideal has already a definite filling; and the man who pursues duty for duty's sake, who does good for the sake of being good or in order to realise an idea of perfection, is at no loss to say what in particular his duty is, or by what particular methods the perfection of character is to be approached.

END OF THE SECOND VOLUME.

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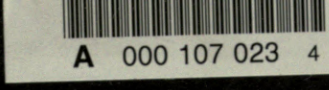
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